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William Kelly, Esqr.

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Great Britain 13 Pl.

Rob. Wall 1760.

# A GENERAL TREATISE OF NAVAL TRADE AND COMMERCE,

As founded on the LAWS and STATUTES of this Realm,

IN WHICH

Thoſe relating to his Majeſty's Cuſtoms, Merchants, Maſters of Ships, Mariners, Letters of Marque, Privateers, Prizes, Convoys, Cruizers, &c. are particularly conſidered and treated with due Care, under all the neceſſary Heads, from the earlieſt Time down to the preſent.

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The **Second Edition**, with many conſiderable ADDITIONS, and a new PREFACE.

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In TWO VOLUMES.

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VOL. I.

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In the SAVOY:

Printed by HENRY LINTOT, Law-Printer to the King's moſt Excellent Majeſty; for J. Brotherton, J. Walthoe, S. Birt, C. Osborn, D. Browne, T. and C. Longman, J. Shuchburgh, Edw. Cumming, J. Worrall, C. Hitch and L. Hawes, J. and J. Rivington, J. Ward, and M. Cooper. 1753

MVSEVM
BRITAN
NICVM

To the Honorable

EDWARD WALPOLE, *Esq;*

Clerk of the Pells, *&c.*

*SIR,*

THE Example of Moderation which you ſet ſome Years ago, in reſigning the two great and honorable Employments of Secretary to the Treaſury, and Secretary to the Lord Lieutenant of *Ireland*, (in which you were importuned to continue, and which you might have held for Years) the Encouragement which you, after

the Example of your noble Father, have given to our Trade, by clothing yourſelf in the Manufactures of *Great Britain*, and diſcouraging the Uſe of *French* Gewgaws, the hearty Reſolution with which it has appeared more than once that you are animated for promoting the Intereſts of *Great Britain*, which I *alſo would* promote, are my Motives for inſcribing the following Sheets to you. Were my Abilities in any Degree proportionate to my Zeal for the public Welfare, I ſhould be more worthy of your Protection,

and

and more uſeful to the Public, but I could not be more ſecure of the Approbation which every one who endeavours to make himſelf truly uſeful to his Country always finds with you. I will hope that your Patronage, and the Countenance of ſuch other Gentlemen as yet dare to be *Engliſh*, and to promote the Intereſts of *Britain*, in an Age when (I am ſorry to ſay it) many, and thoſe of the firſt of our Nation, virtually, tho' not avowedly, eſpouſe the Intereſts of *France*, will procure a candid Examination of the Particulars pointed

pointed out in the following Preface, from all thoſe who have inadvertently taken the moſt effectual Steps for the intire Ruin of our Trade, and the Promotion of the Trade of our Neighbours. I am,

*SIR,*

*Your moſt Obedient, and*

*Moſt Humble Servant.*

# THE PREFACE.

THOUGH the benefit of naval trade and commerce, without which no ſtate can be great, flouriſhing and laſting, needs not any illuſtration farther than is contained in the firſt CHAPTER of the following treatiſe, I ſhall take leave to add to this ſecond edition a few unconnected remarks on Commerce, Money, Exchange, and the Balance of Trade, by way of preface or introduction, which could not have been ſo properly added under thoſe heads in the book itſelf, beginning with Commerce.

COMMERCE is nothing but the exchange of goods which are diſtributed by the bounty of nature in different places, and which mutual intereſt renders common to us.

As a conſequence of the unanimous conſent of mankind to exchange the ſuperfluous goods of which they are poſſeſſed for others which they want, and as an eaſy method of enabling every nation to acquire all ſorts of goods, according to the meaſure of their exigencies, gold and ſilver have generally been adopted to be the neceſſary inſtrument of exchanges, and to ſerve for the valuation of other goods, which are rated every

where according to the value of the coins which are current in the country.

THE fruitfulneſs of a country, the culture of land and the induſtry of the inhabitants are the great ſources of trade and of all the riches which men enjoy, and of the revenue of the crown; to theſe we owe all that the extent of the country and the different advantages of the ſoil can produce, and the various uſes to which the productions of nature are applied, whether they be of our own growth or bought of foreigners. Whatever therefore promotes the culture and improvement of our land, whatever favours our manufactures, whatever facilitates their vent and exportation, and in fine whatever can improve our fiſheries and navigation is worthy of attention and protection; for the greatneſs of the ſovereign, and the happineſs of the ſtate are ſo far united with regard to agriculture, manufactures, arts and trade that all theſe things are equally beneficial to the ſtate and to particulars, and muſt inevitably increaſe the power of the ſovereign as well as the happineſs of the ſubjects, and afford to many the opportunity of receiving enjoyments with which they would otherwiſe have been unacquainted.

THE moſt natural way of encouraging the culture of land or huſbandry is firſt to excite other kinds of induſtry, and thereby afford the laborer a ready market for his commodities, and a return of ſuch goods as may contribute to his pleaſure and enjoyment. For as our paſſions are the only cauſes of labor, where there is an abundance of manufactures the proprietors of

land, the farmers and laborers redouble their induſtry and attention, and exchange the ſuperfluity which ariſes from their labor with the manufacturers for thoſe commodities which mens luxury now makes them covet: And the increaſe and conſumption of all the commodities which ſerve to the ornament and pleaſure of life are advantageous to ſociety, becauſe at the ſame time that they multiply innocent gratifications to individuals they are a kind of ſtore-houſe of labor.

EVERY thing in this world is purchaſed by labor; and the more labor is employed beyond mere neceſſaries the more powerful is the ſtate, manufactures increaſe the power of the ſtate only in proportion as they ſtore up labor, which is the true riches of the ſtate, without depriving any one of the neceſſaries of life.

COMMERCE increaſes induſtry by conveying it readily from one member of the ſtate to another, and allowing none of it to become uſeleſs; it increaſes frugality by giving occupation to men and employing them in arts of gain, which ſoon engage their affection and remove all reliſh of pleaſure and expence: and it is an infallible conſequence of all induſtrious profeſſions to beget frugality, and make the love of gain prevail over the love of pleaſure.

FOREIGN trade augments the power of the ſtate and the riches and happineſs of the ſubjects by introducing induſtry and arts, which refine the manners of a people; it increaſes the ſtock of labor in the nation; by its imports it furniſhes materials for new manufactures, and by its ex-

ports it produces labor in particular commodities which could not be conſumed at home: and navigation, which is the very ſoul of commerce, always brings a vaſt profit to the ſtate; the building of ſhips, their victualling and ſtores, are conſiderable articles of expence, which, being laid out within the ſtate, furniſh ſeveral inhabitants with the means of inriching themſelves; and a country which has a large import and export muſt abound more with labor than one which reſts contented with its native commodities. It is therefore more powerful and richer and happier; and individuals reap the benefit of theſe commodities ſo far as they gratify the ſenſes and appetites.

The views of Trade in general with regard to the good of the ſtate are, to clear the ſtate of the ſuperfluous commodities it produces, and which the inhabitants manufacture beyond what is neceſſary for their own conſumption, to bring in or take from our neighbors the things we want and that are abſolutely neceſſary, and to inrich the particular trader and the ſtate at the ſame time. But there are two oppoſite intereſts which too generally interfere in trade, the particular intereſt of the merchant, whoſe aim is always to gain and to inrich himſelf without conſidering the good of the public, to which his trade may be prejudicial tho' advantageous to himſelf in particular, and the general intereſt of trade and of the ſtate. It is therefore pity that thoſe who are at the helm of affairs ſhould be hindered by a multiplicity of other objects, which probably ſeem to them more important, from conſidering of what conſequence trade well conducted is to

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the public, and from entering into an examination of whatever is advantageous to the ſtate, in order to give it encouragement and protection; and on the contrary of what may be detrimental to the public, that it may meet with no countenance or toleration.

When induſtry is exerciſed by the natives of the country upon the product of their own ſoil, the trade or commerce which flouriſhes thereby is natural and the moſt ſolid; and that nation which exports more of the native commodities and imports leſs of the foreign has the advantage in the balance of trade; for the balance of the account muſt be made up in bullion or money, and the nation grows ſo much richer as the balance of the account amounts to. Trade therefore is beneficial and advantageous to the ſtate according as the ſale of the goods we export of the growth and manufacture of the country exceeds the value of thoſe which we take from foreigners, and it is diſadvantageous when we take from foreigners more goods than we give them; for we are obliged in this laſt caſe to pay that difference in money, which we do by ſending over to them our gold and ſilver in bullion or our ſpecie, which impoveriſhes the ſtate and turns out of work all the artificers whom this exported money would have employed.

The great affair then is to give to natural goods all the uſes that are proper to them, in order to make us more ſenſible of their ſubſerviency to our preſent exigencies, and by accommodating them to the occaſions of foreign nations to raiſe a demand for them abroad, that we

may procure a quick circulation and an higher price for them, and that other nations who ſhall be behind hand with us with reſpect to an equivalent may be forced to pay the balance to us in gold and ſilver. This is the true and only method to prevent the exportation of our money, to bring in that of foreigners, to procure an advantageous vent for our commodities, and to enable the people to pay the taxes. There is but this one method to prevent the exportation of gold and ſilver; let us but take ſuch meaſures that foreigners may export more of our commodities than we import of theirs, ſo that at the end of the year they may be in our debt by the balance of trade, and then they muſt neceſſarily pay us the balance in ſpecie or ingots of gold and ſilver bullion which they cannot diſcharge by goods.

TRADE quite alters the comparative ſtrength of ſtates, becauſe wherever it reſides it creates ſo many and ſo great advantages, and begets ſuch relations and connexions, as render a trading ſtate infinitely ſuperior to a ſtate in which there is no demand for ſuperfluities, nor no export; in which men ſink into indolence, loſe all the enjoyments of life, and are uſeleſs to the public, which can have no ſupport from the induſtry of ſuch ſlothful members.

IT is perhaps to trade that the people of *Great Britain* owe their freedom and independency, their learning and arts, their extenſive colonies abroad, and their prodigious riches at home.

It is navigation and commerce which have made us rich and powerful, and enabled us for a long time to counterbalance all the powers of *Europe*. It is navigation and commerce which make *Holland* ſo powerful, tho' its dominion extends only over ſeven little provinces which do not produce the twentieth part of what is neceſſary to the inhabitants, which have enabled the *Dutch* to put to ſea ſuch a prodigious number of ſhips, to maintain conſiderable armies by land, and to make that ſmall country the general treaſury of all nations.

In times when induſtry and arts flouriſh men are kept in perpetual occupation, and enjoy as their reward the occupation itſelf, as well as thoſe pleaſures which are the fruits of their labor. The mind acquires new vigor, enlarges its powers and faculties, and, by aſſiduity in honeſt induſtry, both ſatisfies its natural appetites, and prevents the growth of unnatural ones, which commonly ſpring up when nouriſhed with eaſe and idleneſs. Baniſh theſe arts from ſociety and you deprive men both of action and pleaſure, and leaving nothing but indolence in their place, you even deſtroy the reliſh of indolence, which never is agreeable but when it ſucceeds to labor, and recruits the ſpirits exhauſted by too much application and fatigue.

Peace and good neighborhood, the encouragement of arts, manufactures and commerce, as they are agreeable to the intereſt of every particular ſtate, ſo they are beſt for the whole, and would contribute to render every particular country infinitely more populous, and the peo-

ple much more happy, than any vain endeavors to aggrandize particular families at the expence of the human ſpecies: and ſo long as the human nature continues to be delighted with an happy ſtate of things, a certainty of reaping the benefit of its labor, and enjoying liberty, ſo long will the ſtates which encourage virtue, œconomy and induſtry, and preſerve peace and good order at home, be ſure not to want proſperity, to increaſe in arts, manufactures and inhabitants, even without uſing the expedient of general naturalization bills, and without ſuch encouragement that expedient will be of no avail.

THERE is a concurrence of cauſes in human affairs which check the growth of trade and riches, and hinder them from being confined to one people. If one ſtate has got the ſtart of another in trade, it is very difficult for the latter to regain the ground it has loſt, becauſe of the ſuperior induſtry and ſkill of the former, and the greater ſtocks which its merchants are poſſeſſed of, which enable them to trade for ſmaller profit. But theſe advantages are compenſated in ſome meaſure by the low price of labor in the ſtate which has not an extenſive commerce, and does not much abound in gold and ſilver. For the greater plenty of money is very limited in its uſe, and may ſometimes be a loſs to a nation in its trade with foreigners, but the public always draws advantage from it in its Wars and negociations with foreign ſtates. This appears from the practice of all rich and trading ſtates, which have employed mercenary troops hired from their poorer neighbors in their wars. Extenſive commerce therefore at length checks itſelf by raiſing the price

of

of all labor and commodities, eſpecially in great cities, which in the nature of them are deſtructive to ſociety, beget vice and diſorder of all kinds, ſtarve the remoter provinces, and even ſtarve themſelves by the high price to which they raiſe all proviſions; and manufactures gradually ſhift their places, leaving thoſe which they have already enriched and flying to others, whither they are allured by the cheapneſs of proviſions and labor, 'till they have inriched there alſo, and are again baniſhed by the ſame cauſes. And in general the dearneſs of every thing from the plenty of money, which introduces immoderate luxury, irregular expence, idleneſs, dependence on the rich, and falſe ideas of rank and ſuperiority, is a diſadvantage attending an ancient eſtabliſhed commerce, which ſets bounds to it, by enabling the poorer ſtates to underſel the richer in all foreign markets.

THAT proviſions and labor ſhould become dear by the increaſe of trade is an inconvenience not to be avoided, and the natural effect of that public wealth and proſperity which are the end of all our wiſhes. But this inconvenience ſhould not be increaſed by banking and paper credit, by counterfeit money which foreigners will never accept of, and which any great diſorder in the ſtate will reduce to nothing. There are, I grant, in every rich ſtate many people who, having large ſums of money, prefer paper with good ſecurity, as being of more eaſy tranſport and ſafe cuſtody; but to endeavor artificially to encreaſe ſuch a credit can never be the intereſt of any trading nation, becauſe of the diſadvantages it muſt lay them under by increaſing money beyond

yond its natural proportion to labor and commodities, and thereby hightening the price to the *manufacturer* and *merchant*.

PUBLIC ſtocks being a kind of paper credit have all the diſadvantages attending that ſpecies of money. They baniſh gold and ſilver from the moſt conſiderable commerce of the ſtate, reduce them to common circulation, and by that means render all proviſions and labor dearer than they otherways would be.

THE value of goods is never fixed, becauſe they have not the ſame degree of convenience with reſpect to us for any long time, we are only ſenſible of their uſefulneſs ſo far as they excite our deſires. When many ſorts abound our taſte varies as to the choice, our fondneſs abates, conſumption loſes its fire, and all thoſe neglected goods are given at a diſcount. When the circulation of goods is impaired they riſe in their price; when that of ſpecie is impaired goods are under-rated and turn to no account. When a great deal of ſpecie circulates, when the prevalence of modes and faſhions makes us perceive more ſenſibly the convenience of thoſe goods, then their prices riſe. This is the ſpring which moves all the wheels of commerce. This flux and reflux in the price of things is an occaſion of loſing and gaining by turns; it allures men to labor and revives circulation. Hence plenty pours her exuberant ſtores where it appears neceſſary; hence ſuperfluous goods are wrought into ſuch a variety of ſhapes, and ſo artfully mingled together, to anſwer the uſes of life, that their nature is no longer to be known.

As

As commerce is the tie which connects and unites the ſeveral parts of this empire ſo as to be parts of the ſame whole, as the trader is a ſubject who ought to be cheriſhed by the ſtate, who deſerves the eſteem and protection of the legiſlature by laboring to make the ſtate rich and powerful, as the protection of the laboring and induſtrious ſubjects preferably to others is the beſt mark of a good government, may it ever be the care of thoſe who are intruſted with the adminiſtration of government, to ſee that every part of the *Britiſh* empire enjoys to the full all the advantages derived from the laws, and that freedom which is the reſult of their being maintained in full vigor.

The advantageous ſituation of our iſland, its fertility, the conſtitution of our form of government, and the liberty from thence accruing, have been the occaſion of many foreigners coming hither for their own ſecurity, with all their ſpecie and moſt valuable effects. Theſe have begun manufactures which were wholly wanting and procured from foreign parts at a great expence, and have exerted all their induſtry and utmoſt ſtretch of genius, to ſupport themſelves by trade in a country where neither life, eſtate or dignity depend on the caprice or arbitrary power of any ſingle individual, and where any perſon who has acquired an affluent fortune has no room to fear a deprivation of it by any act of violence or oppreſſion.

The wonderful growth of our plantations has alſo much encreaſed the ſtrength and populouſneſs of this iſland, which could never otherways have

have attained its preſent condition. For the commodities and manufactures of any country have a certain limit beyond which it is impoſſible they ſhould extend without any alteration of circumſtances, and when they are carried ſo high that no new markets are to be found domeſtic induſtry can proceed no further. As we have loſt the greater part of our beneficial trade in *Europe*, I mean that to *Spain*, it is entirely owing to our colonies that hitherto we have not been more ſenſible of this truth, the people ſettled there taking off much greater quantities of our commodities and manufactures than if they had remained at home.

I PRESUME it is not neceſſary for me to obſerve that the proſperity of our trade has from time to time undergone very detrimental revolutions, partly owing to the preſent diſſolute manner of living, neglect and want of punctuality, both in manufacturers and merchants, and partly to the people in foreign countries diveſting themſelves of the deſpicable opinion they had entertained both of trade and merchants. They have now in every part of *Europe* ſeen the amazing effects of trade, even in *Spain*, and abated their prejudices againſt it. There is not a nation but what more or leſs apply themſelves to trade, and all ſtates uſe their utmoſt endeavors to draw it into and promote it in their reſpective countries; nor is there one but what has in ſome degree ſucceeded in it. It is now become the ſtanding rule in all ſtates to ſettle and encourage manufactures, and moſt princes have adopted our policy in promoting trade, than which nothing can more affect the proſperity of ours; whilſt

whilſt we, 'till of late, have been regardleſs of the bounty of nature; the plenty of herring and other fiſh on our coaſt are advantages which we, to our ſhame, have given up to the *Dutch*, &c. The *French* have been theſe thirty years making new laws and regulations, all with a deſign to draw off the trade of our nation to themſelves, and the late great increaſe of trade among them ſeems to have been the effect of reflection and obſervation in an ingenious and enterprizing people, who have remarked the immenſe riches acquired by ſuch of the neighboring nations as cultivated navigation and commerce; and the general views of many other countries, with regard to trade and commerce and all the dependencies thereof, have tended to the very ſame point. All theſe circumſtances, and the pains they all take to draw trade to themſelves, ſhould likewiſe ſtir us up on our parts to put in execution all ſuitable methods to retrieve our trade, and to keep an eye upon the practice and proceedings of our rivals; if they contrive ways and means to render their manufactures cheaper or better, ſo as to out-vie us, we muſt ſtrive to do the ſame, and if poſſible out-vie them in cheapneſs and goodneſs, or expect to be driven out of that part of our commerce. Let us in time conſider that when trade has once abſolutely altered its courſe, it would be fruitleſs labor to endeavor the bringing it to flow in the ſame current back upon us. The fate of the *Hanſe Towns* may convince us of the impoſſibility to recover trade when once eſtabliſhed in another place.

*FRANCE*

*FRANCE* is the moſt formidable rival of *Great Britain* in commerce; the commodiouſneſs of her ſea-ports, the fruitfulneſs of her ſoil, and all her other advantages for commerce, have been much improved by the wiſdom of her policy and the frugality of her people, who are ſober and laborious, marry and have flocks of children, which they bring up in labor. *France* was long ago taught by her *Sully*, *that the nobility, whatever they may proudly boaſt, would become not only uſeleſs, but even dangerous to the ſtate, were they once deſtitute of the aid and aſſiſtance which they derive from the merchants, artiſts, ſhepherds and laborers; that as to the bleſſings and conveniencies of human life, a ſovereign ſtate might better diſpenſe with the churchmen, nobles, officers of juſtice, and all thoſe who are concerned in the management of the revenue, than with merchants, artiſts, ſhepherds and laborers; that trade and navigation inrich both particulars and the ſtate, and make the prince more powerful, more reſpected, and more feared by his neighbors; and that ſhe was beholden to the induſtry and labor of the trader, for her gold and ſilver, and the vent of her ſuperfluous commodities*; and ſhe has found by experience that nothing but the peaceful arts of commerce and navigation can give her a ſuperiority over her neighbors, and has put her trade on ſuch an advantageous footing that we have too much reaſon to believe that it will neceſſarily flouriſh and improve whilſt that of her neighbors falls into decay. She has laid a foundation for raiſing her trade on the intire ruin of ours, unleſs we can be excited by her example to look well to ourſelves.

If this is our ſituation, if many amongſt us, againſt their own proper intereſt, are taking pains to make our trade loſe all that advantage which it has from nature and the induſtry of our inhabitants, and to make it ruinous to our country, is it not time for every lover of his country to ſtand up in behalf of the ſinking trade of this nation, and to ſhew himſelf animated with the warmeſt concern for the welfare of his country? Is it not time to proclaim that commerce is no longer a bleſſing to a country than the conſequences of it are beneficial to that country, that the ſuppreſſing of luxury, at leaſt in the uſe of *French* finery, and encouraging frugality, and providing for the ſtay of riches among the body of a people in whatever manner they acquire them, are points that deſerve the attention of the government, are things which merit very ſerious conſideration? Is it not time that the board of trade ſhould be called upon to take cognizance of the things committed to their care in their commiſſion? which are, *to enquire into the ſtate of the trade of* Great Britain *at home and abroad, to conſider how the manufactures already ſettled may be improved, and how new and profitable ones may be introduced, to provide for the employment of the poor, and to revive the fiſhery.* The noble lord who is at the head of this board, has both capacity and inclination to ſerve his country, but it is the part of the merchants and manufacturers, who have known things by their own experience, to propoſe ſuch matters for the conſideration of the board as they think may moſt contribute to the general good of trade and of the nation.

In *France* no perſon, foreigner or native, who has any abilities truly uſeful for the advancement of their trade, goes unincouraged or unrewarded for his ingenuity and induſtry. This naturally draws numbers from other nations, who do that kingdom great and important ſervices. In *England* there is not due encouragement given to men of abilities to ſerve their country by advancing arts and commerce. On this account numbers of our moſt ingenious artiſts and manufacturers, and thoſe who are happily turned for new and important diſcoveries and inventions for the intereſt of trade, daily withdraw from us into other nations, where they are careſſed and encouraged ſuitably to their merit. Here the moſt generous and diſintereſted ſcheme too often meets with diſcouragements and oppoſitions. Tho' a plan be ever ſo well calculated for the public good if it claſhes with the private intereſt of any trading company, town or particular perſon, it is oppoſed, under various pretences, by the united force of the intereſted and other deſigning men, who, to bring about their own ſelfiſh purpoſes, blacken and miſrepreſent the beſt deſigns in the moſt malevolent manner. A bold plauſible ſpeaker in the houſe of commons embaraſſes the ſchemes of the miniſtry, not becauſe he thinks them wrong but becauſe he expects to be bought off by a place; and the miniſtry do their utmoſt to quaſh a motion, not becauſe it is a bad one, but becauſe it comes from the oppoſition, and would raiſe the credit of the author too high if it was carried into execution: And we can do nothing but lament theſe evils, which cannot be remedied while there is a poſſibility of getting preferment by becoming formidable to the miniſtry.

niſtry. Whilſt men go on at this rate, and are full of their prejudices and fond of their opinions, and are not animated with the love of their country, or ſo truly concerned for its welfare and proſperity as they ſeem to be, but have ſome dark purpoſe at heart, which they diſguiſe with ſpecious names in their oppoſition to every meaſure of government or ſcheme propoſed for the public good, tho' they are continually complaining of the general corruption, the bad morals of the people, and the decay of trade, what wonder is it that we ſtill go on languiſhing in our commerce, increaſing in our diſorders, and calmly view our rivals taking advantage of theſe misfortunes, and that the man whoſe ſole aim is the good and proſperity of his country ſhould only draw a prejudice upon himſelf? What wonder is it that many, who are honeſt and upright in their private capacity, do not think themſelves concerned to be active and indefatigable in promoting the welfare of the community, or that the ſelfiſh and deſigning are vigilant and induſtrious in defeating every meaſure which is not calculated for their own private advantage?

THE *Roman* empire become ſo rich and powerful as it was by the ſpoils of ſo many provinces, was loſt by ſuffering ſtrangers in time of peace to ſettle at *Rome*, and import thither the merchandizes of their reſpective countries; which becoming grateful to the *Romans* promoted luxury, and at length drained the empire and citizens of their money, which diſabled them from quelling the ſeditions which were raiſed by thoſe ſtrangers incorporated with citizens, to favor the ambition of the more enterprizing, and after-

wards from repelling the *Barbarians* who attacked them, and made themſelves maſters of all *Italy*.

ALL that trade which conſiſts in taking great quantities of goods from foreign nations of no other uſe but to gratify the taſte of our *beau monde* in rich clothes, *&c.* is contrary to the good of the ſtate, and capable of draining the kingdom of its ſpecie, deſtroying induſtry, raiſing the price of labor, forcing artiſts out of their country, and brings on a ſuſpenſion of trade. But ruinous as this trade is to the public, it is however advantageous to the individual, who from theſe ſorts of wares raiſes a gain which, far from deſerving protection, ought by all means to be checked and diſcouraged.

WE take a great many of the *French* commodities and manufactures, and they take almoſt none of ours, none that they can do without, by which, ſo far as it is neceſſary, we contribute to our own undoing. The extravagant propenſity we have to wear *French* embroideries, ſilks, cambricks, lawns, gauzes, blond and other trimmings, *&c. &c. &c.* and to drink nothing but *French* wines, drains *Great Britain* of its ſpecie, and cauſes our own manufactures to be neglected and diſcouraged. All theſe and the like branches of luxury are moſt pernicious to the public, and by all means to be diſcountenanced. It is incumbent on all who have the public welfare at heart, to retrench the uſe of theſe *French* commodities, which drain this kingdom yearly of ſuch vaſt ſums of money. I wiſh this luxury may not, as it is accompanied with a general corruption of

manners, be a ſad forerunner of national ruin; it increaſes the demand for money, which of conſequence begets avarice and a venal mercenary temper, and no meaſures are ſo baſe, ſo ſervile and infamous, to which a temper ſubdued by avarice and the love of money is not capable of being corrupted. 'Tis not only the great which are addicted to this miſchievous luxury in the uſe of *French* goods, the diſtemper is become epidemical and hath over-run the whole nation, and what the commonalty, through the lowneſs of their fortunes, want in power of doing national miſchief they more than compenſate in number.

To ſtop the ſource of this national calamity, and to controul this exorbitant luxury which ſo much prevails among us, is a taſk in which all true lovers of their country ought to unite their honeſt endeavors. It is to be wiſhed that all true patriots would exert their public ſpirit, by abſtaining from the uſe of *French* and ſuch other foreign goods of which the importation is ſo ruinous to their country. It is to be wiſhed that the nobility would not let their ſons, before they are formed for travelling, or capable of making uſeful obſervations, expend ſo much money in rambling over foreign countries where their morals are generally corrupted, and where, beſides their becoming idle, effeminate and vicious, they contract a liking to every thing that is foreign, and acquire a taſte for ſuch things as are inconſiſtent with the good of ſociety and detrimental to the ſtate. Without ſuch meaſures as theſe, additional duties and prohibitions will be but of ſmall avail; for ſo long as the demand of any commodity

continues, the proſpect of gain will always tempt ſome to carry on a trade, however deſtructive it may prove to their country. I do not mean to condemn all that comes under the notion of luxury; on the contrary I am of opinion, that the ages of refinement and luxury are both the happieſt and moſt virtuous. Induſtry, knowledge and humanity are found, from experience as well as reaſon, to be peculiar to the more poliſhed and luxurious ages, and are not advantageous in private life alone, but render the ſtate as great and flouriſhing as they make individuals happy and proſperous. I have nothing to ſay againſt ſumptuous buildings, apparel and equipages, nor any of the branches of expenſive living among the rich and great, provided they employ our own people to work upon our own materials, and pay their tradeſmens bills at leaſt once a year. While mens expences exceed not their revenues, nor are laid out upon unneceſſary foreign commodities, the thing is only of a private nature, and does not directly affect the public; nay it is rather beneficial by promoting the circulation of money, and the conſumption of our own productions and manufactures.

How happy would it be for *Great Britain*, if perſons of high rank among us would, like thoſe in *France*, take a liking to the produce of their own country and clothe themſelves with its manufactures; how happy would it be if our *belles* and *beaux* would copy after the *French*, who are remarkable for confining themſelves to the uſe of their own manufactures, and are ſo far from valuing things the more for being foreign and far fetched, that they glory in the richneſs

of

of their ſoil and the induſtry of their people, whence they are furniſhed with the neceſſaries and comforts of life in ſo much plenty as not to need to be beholden to their neighbors. What pity is it that we who imitate them in many things cannot imitate them in this, that the ſame conduct is not more univerſally obſerved amongſt us now our manufactures are brought to ſo great perfection, and multiplied to ſuch variety, that we may be well enough provided at home (I will not ſay better than from *France*, tho', I confeſs, I am ſo far prejudiced in favor of our honeſt manufacturers as to think ſo) with almoſt every thing not only that nature but even that luxury itſelf can demand.

'Tis much to the honor of ſome gentlemen that they have been determined from ſuch public and diſintereſted views, to come under engagements to uſe no ſuperfluous foreign commodities, but to give all due encouragement to their own manufactures. An example ſo worthy of imitation will I hope animate others to copy after it, and make all our *belles* and *beaux* bluſh when they reflect that they have diſcouraged our own manufactures to encourage the *French*, and ſunk their own nation into immenſe loſſes which have turned to the profit of our enemies.

Let us alter our meaſures conformably to the ſtate and circumſtances in which we find ourſelves; while the *French* purſue their preſent maxims of frugality and induſtry, let us ſet before us thoſe of our forefathers, who took care to ſpend leſs than their incomes, and to labor for more than they wanted, who have left us the

moſt convincing proofs that wealth and plenty are the reſult of ſobriety and diligence in buſineſs; let us not ſuffer ourſelves to be elbowed out of our trade or over-matched by the experience, frugality and induſtry of our neighbors; much leſs let us contribute to our own ruin by encouraging their manufactures and diſcouraging our own; let us conſider that the bringing in more high rated *French* and other foreign commodities which we do not want, admitting they were regularly entered at the cuſtom-houſe, which ſeldom is the caſe, tho' it increaſes the Duties on Importation, inſtead of being advantageous is very deſtructive to our trade, and will by degrees conſume the riches of this nation, unleſs the exportation of our own produce and manufactures, the only profitable and advantageous trade of this kingdom, can be alſo proportionally increaſed. This is that branch of our trade which muſt be countenanced and promoted by all methods of encouragement and favor; for on it depend the riches, the ſtrength, the renown, and even the freedom of our country. And tho' we feel ſome diſadvantages in foreign trade by the high price of labor, which is in part the effect of the riches of our manufacturers, the plenty of money, the public funds and our paper credit; yet if we do but attend to and improve all our proper advantages, if we can but learn to content ourſelves with ſmall profits, and lay it down for a fundamental maxim, that *Great Britain* muſt trade upon an equal footing with other nations, or not trade at all, and act in conſequence, I will venture to ſay that none of our neighbors, by any domeſtic regulations they may make within themſelves, or by any acceſ-

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ſion of advantage how great ſoever to their trade, will ever be able to beat us out of any one foreign market. Let us but be honeſt to ourſelves and our cuſtomers, and reſolute in our endeavors to promote foreign trade as much as poſſible, and our neighbors will never be able to put themſelves in all reſpects upon an equal footing with us; for *Great Britain* poſſeſſes within herſelf ſuch advantages as are not to be found any where beſides in the like quantity or to the ſame degree. I ſhall here recite the words of *D. d'Avenant* which may very properly be applied to the *French* at this time. "In ſome parts they ſup-
"plant us, and every where out-wit us, and
"when we obſerve them ſtill endeavoring to get
"ground, and never yielding any point, but
"forming long ſchemes, calculated to take ef-
"fect for many years to come, in order to en-
"large themſelves at any expence, it will be-
"come good patriots to look about them, and
"to take care leſt in time *England* ſhould be in
"a manner excluded from the commercial
"world."

Our monopolies, publick companies and corporate charters, have given the *French* no ſmall advantage over us, and have enabled them to underſel us, and extend their trade in proportion as ours has declined *.



* By the Charters of the *Turkey*, *Hudſon's Bay* and *Eaſt India* companies, all the *Britiſh* ſubjects, except the members of thoſe companies, are excluded, by the firſt, from having any commerce with the whole *Turkiſh* empire; by the

Our *Turkey* company, by laying too high a profit, both on their imports and exports, have greatly increaſed the trade of the *French* from *Marſeilles*; and our *Hudſon's Bay* company, by the ſame method, have enabled them to extend their colonies in *Canada*, and both have loſt this nation the ſale of her manufactures to the amount of ſeveral millions; in lieu of which the *French* have ſold theirs, with this further advantage of a return in a moſt valuable material for a principal manufacture, I mean raw ſilk, from the firſt, whilſt our looms in *Spital-Fields* have ſtood ſtill for want of it. Thus the whole nation has ſuffered in its commerce, and the members of theſe companies have enriched themſelves, by exporting ſmall quantities of our own manufactures, and importing but a few of the raw materials of thoſe countries; thereby ſecuring to themſelves an exorbitant profit upon each, and to the *French* an opportunity of introducing, by degrees, their cloths made in imitation of ours, under the ſame names, into the *Levant*; and the *French* having a free and open trade have at length ſo ſupplanted the trade of our company, who formerly had all the cloth trade to the *Levant*, that they have now little or nothing of trade in thoſe parts.

Exclusive companies have ſo many directors, ſupercargoes, factors, agents, ware-houſe keepers

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the ſecond, from all the fur trade with the *Indians*; and by the third, the ſame excluſion is made from trading any where beyond the *Cape of Good Hope*, but with what juſtice I will not take upon me to determine.

and

and clerks, and theſe muſt have ſo many fees and perquiſites, and ſweetnings from manufacturers to procure the preference of their goods, that it is impoſſible for them, if they had an inclination to do it, to trade upon an equal footing with private adventurers; and as they cannot trade ſo cheap, they muſt neglect many leſſer branches which would turn to good account in the hands of individuals, and give bread to thouſands.

THE manufactures ſet up in many of our colonies interfere with the trade of *Great Britain*, and unleſs we can divert them from ſuch purſuits to others equally beneficial to them, and leſs detrimental to us, this evil will be daily encreaſing: and beſides this, in imitation of the mother country, they purchaſe thoſe articles of luxury, which they want for the gratification of their artificial wants, from the *French*.

THE great number of ſmugglers, and *Flanders* and *Holland* traders, as they call themſelves, are very prejudicial to our trade. They carry our money and wool to *France*, and bring from thence ſuch of her commodities as are prohibited, or too high rated at the cuſtom-houſe to be entered. The numerous tribe in the city, chiefly *French*, who call themſelves merchants, but export nothing but our bullion and money, and import nothing but *French* goods, and ſmuggle ſuch as are prohibited; the native merchants (truly ſenſible how detrimental it is to trade, that ſome ſhould pay duties, whilſt others by fraud and male practices ſcreen themſelves and elude payment of them, and afraid of being under-

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ſold by theſe gentry) who are tempted to get quantities of ſuch goods *per viam Hamburgh*, &c. in large packages of coarſe goods, yarn, &c. which are not opened upon the keys, at leaſt in out-ports; the colorers of goods, as they are called at the cuſtom-houſe, or thoſe that enter one ſpecies of goods for another, as *French* lawns and cambricks under the denomination of *Sileſia* lawns or narrow *German* linens, for which purpoſe they have them now made conformable in length and breadth, and ſent from *French Flanders*, thro' *Germany*, to *Rotterdam* and *Hamburgh*, and there ſhipped as *German*; and the enterers of *French* cambricks and lawns for re-exportation, who take advantage of the three years time allowed them to ſell vaſt quantities to retailers for home conſumption, and by ſending out *Scotch* or *Sileſia* lawns made up in the ſame lengths and manner, or perhaps by an entry without any goods to correſpond with it, avail themſelves of the drawback, diſcharge their bond and keep clear of the act; all theſe *pettifoggers* in trade are the baſeſt enemies to our country, and their united endeavors will not only be very prejudicial to the revenue, but will alſo give a fatal ſtab to the trade of *Great Britain*, if they cannot be diverted from theſe practices.

THE want of proper officers to ſee that our manufacturers make every thing good in its kind, and that they give good weight and meaſure, and fold the worſt ſide outermoſt, is a great detriment to our trade: and it has alſo been a great detriment that where ſuch have been appointed, by an unhappy abuſe, they have degenerated ſo far as to increaſe the evil they were intended to correct. In *France* this method has hitherto

hitherto been practiſed with ſucceſs, and has defeated the fraudulent deſigns of the manufacturers and traders, and kept her manufactures in high credit: all the goods deſigned for exportation from that kingdom undergo a ſtrict inſpection by officers appointed for that purpoſe, and are compared with the patterns delivered in before, in order that the bad may be confiſcated, and a fine levied upon the offender.

It is not one of our leaſt misfortunes, that our common people are more abandoned and debauched than thoſe of other nations, that they do not increaſe ſo faſt, that our poor deſtroy themſelves by the immoderate uſe of ſpirituous liquors, that they are ſubject to no controul, and that there is no ſuch thing as ſubordination among them. Theſe complaints are doubtleſs very juſt with reſpect to ſome of our diſſolute poor in this great city; perhaps they may be ſo in reſpect to moſt other great cities; for it is an old obſervation that great cities are deſtructive to ſociety and beget vice and diſorder of all kinds; but our poor woollen weavers are that part of our laboring poor againſt whom the above complaints, and a multitude of others, are lodged by the maſter manufacturers. I wiſh there were authors among the poor working people, as there are among their maſters, we might then form a better judgment. I have heard gentlemen, who live in the manufacturing parts of this kingdom, tell ſtrange ſtories of the maſters obliging their poor workmen to take one half or two thirds, ſometimes three fourths of their wages every week, in butter, cheeſe, bacon or other proviſions, which are often weighed out to them by light

light weights. This method accounts for what ſome of the writing manufacturers advance, *viz.* that in a plentiful ſeaſon their workmen waſte one half of their time. I ſuppoſe, becauſe if they worked their full time they would loſe ſo much by receiving proviſions by light weights and at an advanced price, for their wages, and ſelling thoſe proviſions which they could not conſume at a conſiderable loſs, that they had rather ſtarve almoſt than work upon ſuch terms, and only to enrich their avaricious employers. I can't help thinking but one half of the blame, if equitably divided, would fall upon the maſters, and the other half upon the workmen. For where the poor are accuſtomed to work for low wages, and to retain but a ſmall part of the fruit of their labor, it is difficult for them to better their condition, or conſpire among themſelves to highten their wages; nay even where they are accuſtomed to a more plentiful way of life, it is eaſy for the maſter manufacturers to conſpire againſt them, lower their wages, and throw the whole burthen of poverty on their ſhoulders; and that ſome of them are capable of improving little advantages, when they fall in their way, we have had an unhappy inſtance in the firſt parcel of cloth which was ſold to *Ruſſia* for clothing the army. A poor weaver is of the ſame ſpecies with his employer, and every perſon, if poſſible, ought to enjoy the fruits of his labor in a full poſſeſſion of all the neceſſaries and ſome of the conveniencies of life; this would not diminiſh the happineſs of the rich, but it would add much to that of the poor; it would alſo augment the power of the ſtate, which is moſt certainly weakened by a too great diſproportion among the inhabitants.

Inhabitants. And this further may be added with reſpect to the maſter manufacturers and the poor weavers, that where the riches are in few hands, thoſe muſt enjoy all power, and will readily conſpire to lay the whole burthen of poverty on the poor, and oppreſs them ſtill further, to the diſcouragement of all induſtry.

Our heavy taxes, which virtually fall upon the married ſtate, are inducements to men to remain ſingle. That almoſt every man, who thinks he can maintain a family, will have one cannot be at all doubted by any who have, in their reading or otherways, taken notice how faſt mankind have multiplied in every colony or new ſettlement where it is an eaſy matter to provide for a family, and where men are no way ſtraitned or confined, as in long eſtabliſhed governments. There is in the human ſpecies a deſire and power of generation more active than is ever univerſally exerted, which, was it to act in its full extent, unawed by thoſe reſtraints which poverty and neceſſity impoſe on it, would ſoon make the world too populous. Inſtead of complaining that our common people do not increaſe ſo faſt as thoſe of other nations, let us render their condition more eaſy if poſſible, let us not put an immoderate private gain in competition with the happineſs of millions. Theſe reſtraints which men lie under moſt certainly proceed from difficulties in their ſituations, which it belongs to a wiſe legiſlature carefully to obſerve and remove. Every wiſe, juſt and mild government will always abound moſt in people, in commodities and riches, becauſe it renders the condition of its ſubjects ſecure and eaſy; where there is moſt happineſs

happineſs and virtue, and the wiſeſt inſtitutions, there will always be moſt people: and when there is room for more they will always be found, even without the aſſiſtance of a naturalization bill. Trade always draws an almoſt inconceivable flux of laborious people wherever it is thoroughly fixed, and ſuch as cannot be employed in labor are not wanted; for it is not the number of ſubjects, but the number of uſeful ſubjects, which makes a ſtate rich and powerful. The number of uſeleſs ſubjects in *Great Britain* who are intirely ſubſiſted by the induſtry of others, is already enlarged to a greater proportion with that of the uſeful ones than in any other trading nation; and I think we had better be content with the acquiſition of ſuch laborious poor as are allured by the fair proſpect of bettering their condition amongſt us by aſſiduity in labor, than proclaim to all the world that we are ready to entertain the aged, the lame, and the blind from every quarter. A general naturalization, though ſo earneſtly contended for by ſome wrong-headed politicians, (who neither underſtand trade, nor conſider how differently the nation is now circumſtanced from what it was when ſuch meaſures proved advantageous to us, but are hurried away with general maxims and received notions, which they have taken up without any examination) would only make the *Dutch* the carriers of our trade, give us an opportunity of laying up our ſhipping, and our good neighbors the *French* a further opportunity of ſupplying us with their gewgaws and robbing us of our money and bullion, by ſending us over ſome dozens of *Marchands* of the ſame ſtamp with thoſe of which we have already but too many, as I have before obſerved,

obſerved, who might live here and carry on a trade to inrich themſelves, their friends and their country, by impoveriſhing ours, by importing and bringing over from their *Bureau des Merveilles* a thouſand fooliſh things which we do not want, and exporting nothing but our bullion and our money; and when they have ſufficiently feathered their neſts *Adieu meſſieurs les Anglois, diſent ils, il faut s'en retourner pour notre religion, pour le ſoulagement de nos amis, et pour la gloire du grand monarque.* FINE MERCHANTS THESE, AND GREAT THE GAIN OF THE NATION IN HAVING THEM NATURALIZED!

IN order to remedy the inconveniencies we labor under, as it has been found to be no ſuch eaſy matter, as ſome imagine, to rectify the manners of mankind by laws, which without univerſal obedience to them are nothing but ties on the moſt ſcrupulous and the beſt part of mankind, who are ſenſibly hurt by having their trade withdrawn from them, let every one of us endeavor to mend one, and the general example may poſſibly infuſe into every breaſt ſuch a paſſion for public good as will now, as it has done in ancient times, prove a ſufficient ſpur to induſtry, and ſupport the community; let us all always remember, that the better any perſon diſcharges the duties of that ſphere of life he belongs to, the more he will contribute to the preſent happineſs of ſociety, by promoting the circulation of labor and induſtry thro' the ſeveral ranks he is connected with, and that what cannot be done by laws may be both ſafely and advantageouſly done by examples. If the thinking part of the nation would exert themſelves in this manner,

perhaps

perhaps our *Britiſh beau monde* might imitate them, and inſtead of convincing us of their *bon goût* by a blind admiration of whatever is foreign, or ſaid to be ſo, become rational enough not to mark a diſlike for whatever is domeſtic, and then we ſhould have no more ſupine negligence in proportion to our natural advantages, no ground not laid out to the beſt advantage, no production but what would be wrought into as many different ſhapes as it is poſſible to conceive uſes that ſuit with it, no more ſlothfulneſs in arts, but increaſe of ſtrength in our ſhipping, life, vigour and opulence in our manufactures.

As the *French*, who are the moſt dangerous rivals we have, will allow of no excluſive companies in any branch of trade which interferes with ours, there is a neceſſity of laying open the *Turkey* and *Hudſon's Bay* companies, *&c.* before they have quite driven away the trade from us to the *French*.

THERE is alſo a neceſſity of uſing more diligence in drawing raw materials from other countries to work up in our own, and of ſetting up woollen manufactures in thoſe parts of the kingdom in which the price of labor and proviſions is the loweſt.

To let the *Iriſh* ſhare in the advantages of our trade, to let the goods of each nation be reciprocally imported duty free, to let the prohibition againſt uſing the produce of either kingdom in the other be repealed, to let them get rich at the expence of the *French*, who have already much increaſed their riches at the expence of

*Ireland*,

*Ireland*, would, I humbly conceive, be taking very prudent ſteps to retrieve or inlarge and extend the trade of *Great Britain*; for whatever wealth *Ireland* could draw from other countries by trade, would center in *Great Britain*, if both iſlands were incorporated together; and many of the neceſſaries of life would be imported from thence cheaper into *England* than they can now be purchaſed, which would be an advantage to our manufacturers, and many of the luxuries and delicacies of living would be exported from hence into *Ireland* in return for them.

To encourage a trade with our own plantations in all thoſe articles of luxury which many of them now take from the *French*, and in lieu of theſe we may have from ſome of them ſuch commodities as are imported from *Sweden* and other countries, where the balance is againſt us. To keep our colonies dependent on the mother country, we muſt take off the produce of their plantations, that they may not be under a neceſſity of permitting other nations to trade with them, and of ſetting up manufactures which interfere with thoſe of the mother country; and then we need not doubt but they will be ready to take our product and manufactures in return. This exchange of commodities, and the importing all ſuch raw materials as are to be manufactured here, even tho' we raiſe the ſame ſorts ourſelves, will be to mutual benefit; for the more we have of theſe the better, ſince the cheaper they are purchaſed the more of them will be worked up, the greater number of hands will be employed, and the greater gain ariſing to the nation. And for encouraging the importation of ſuch materials there

might be certain privileges and exemptions granted, or rather they might be imported duty free till merchants might find it worth while to engage in it without being paid at the public expence. But if this did not prove ſufficient to quicken their diligence, a bounty upon importation might be added, and to theſe, if it was found neceſſary, a perſonal præmium to ſuch merchants as ſhould import the moſt of the materials and the beſt in their kind. And thoſe articles of luxury which they can ſupply us with, ſhould be charged with low duties here, and ſimilar commodities of foreign nations with higher impoſts.

The laying higher duties on the importation of *French* goods, or rather following the example of our goods friends the *French*, who will not allow any *Engliſh* manufacture to be worn in *France*, and abſolutely prohibiting the importation of all their manufactures, wines, brandies, *&c.* the ſubjecting the meſſengers, the king's, *&c.* ſervants and baggage to be ſearched and examined, and obliging the land-waiters, *&c.* to be more diligent in examining all packages of every kind, and to take no more of the importer than the table fees, would be of ſome ſervice, and, with other prudent meaſures, might keep us from being over-run with *French* gewgaws. Every perſon, who has obſerved the complaiſance of the land-waiters on the keys to thoſe importers who give them half crowns and half guineas inſtead of the table fees, muſt think this a neceſſary meaſure; and if their preſent ſalaries and the table fees are not thought a ſufficient recompence, there might be ſome addition made

to their ſalaries; and for a number of years it has been but too notorious, that the wives of the meſſengers, the king's, the prince's, the duke's and embaſſadors footmen, *&c.* have been very conſiderable dealers in foreign gewgaws, which I preſume muſt be wholly owing to the great opportunities they have had.

It would not a little contribute to the advantage of our trade, if there were appointed in all our manufacturing towns, public inſpectors of manufactures, and ſome method taken to keep up the credit of our manufactures, to prevent frauds in packing, and undue ſtretching of cloths upon the rack, which have occaſioned irreparable loſs to this nation, deficiencies in weight and meaſure, and all the other little arts of deceit, which have been of infinite prejudice to the trade of this nation, and which have been more than ever put in practice ſince our merchants have been underſold in foreign markets. I will not take upon me to ſay whether theſe practices had their beginning from the manufacturers or merchants, or both; but this I will ſay, that the promoters of them are the baſeſt enemies to the community, deſerve to be branded with infamy, and baniſhed from that country which they have ſo highly injured; at leaſt they ſhould, if poſſible, be prevented from getting rich at the expence of their honeſt neighbors, and the welfare of their country, which is too often ſacrificed to their knavery.

But above all things let it always be remembered, that to keep our trade in any foreign market we muſt at leaſt be upon an equal footing with other nations, both as to the goodneſs and cheapneſs of what we ſell.

I SHALL now proceed to make a few remarks on money, exchange and the balance of trade.

MONEY, the inſtrument which men have agreed upon to facilitate the exchange of one commodity for another, is the repreſentation of labor and commodities, the pledge or equivalent of our reciprocal exchanges, and regulates the value of exchanged goods, itſelf ſerving only for a method of rating and eſtimating them; it was introduced for the facility of commerce, it made ſale ſucceed to barter, by becoming the price of whatever enters into commerce among men.

THE good or bad effects of ſpecie upon commerce, or upon the exchange of our goods, or upon arts or manufactures, are always proportioned to the value of all the real goods of a ſtate, and to the value of all the ſpecie circulating in that ſtate: And as the connexion between theſe two values is very great, the loſs of a ſtate is alſo very great when money does not circulate in it.

IF ſpecie remains hoarded up, it is a ſtock that becomes uſeleſs to the public, and even to the owners themſelves, which diſorders circulation, and conſequently commerce. If it is exported out of the kingdom, the profit ariſing from it to foreigners is a real loſs to the ſtate, and its exportation neceſſarily cauſes the exchange to fall below *par*, which makes our trade diſadvantageous, and turns out of work all thoſe whom that tranſported money might have employed, and conſequently impairs the revenue and the value

value of the country, as well as its manufactures and the number of its inhabitants.

THE proportion between gold and ſilver, as it is in the coins of the ſeveral ſtates and kingdoms of *Europe*, is a matter of the higheſt importance, and ought to be examined with all poſſible preciſion and exactneſs, that the juſt proportion which ought to take effect in the rating of metals may be found out and determined, and a true equilibrium fixed, which may not give the one any preference to the other, leſt the kingdom ſhould be gradually drained of its money; for that metal which is too low valued with reſpect to other nations will be carried where it gives the higheſt price.

GOLD and ſilver, more or leſs refined, are generally diſtinguiſhed under the denomination of higher or lower ſtandard. To the pureſt and fineſt gold are reckoned twenty-four degrees of goodneſs called carats, and the carat we will ſuppoſe divided into thirty-two parts called thirty-ſeconds. Then twenty-four carats will contain 768 thirty-ſeconds. Silver is reckoned to have twelve degrees of goodneſs, called penny weights, and each penny weight is divided into twenty-four parts called grains. Thus twelve penny weights contain 288 grains.

THEN the degrees wherewith we expreſs the fineſt gold will be to the degrees with which we expreſs the fineſt ſilver as 768 to 288, or 8 to 3. Wherefore, to keep gold and ſilver equal in fineneſs, and the one from being preferred to the other, whatever allays be given, the fine which

remains of theſe metals, or the allay that is added to them, muſt be always to one another in the proportion of 8 to 3, or 3 to 8, or elſe one of theſe metals will gain an advantage over the other, which will occaſion a great demand for it, and conſequently its tranſportation.

From this proportion it follows, that gold at 22 caracts and ſilver at 11 penny weights are equal in fineneſs or intrinſic goodneſs, each in its own kind, ſince both are at an equal diſtance from their higheſt degree of goodneſs, which diſtance is one twelfth, and that the 704 thirty-ſeconds contained in the 22 caracts, are to the 264 grains contained in the 11 penny weights of ſilver, as 8 to 3, and that theſe two metals are in the requiſite proportion between their ſtandard.

As the proportion between gold and ſilver is not the ſame in all ſtates, nor always the ſame in the ſame ſtate, it is highly neceſſary to determine the proportion between thoſe two metals, with ſo much equality, that the numerical value of them both may have ſuch a mutual relation that the one may not be preferred to the other, leſt that which is loweſt valued ſhould be carried out of the kingdom.

In order to judge of the value of gold and ſilver among our neighbors, we muſt have a thorough knowledge of the preſent ſtate of their coins, and of the proportion which they obſerve between gold and ſilver; by this knowledge we may regulate our own ſo as not to allow one of thoſe metals to have any advantage over the other.

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STATES which obſerve an high proportion over-value their gold ſpecie and lower the ſilver, with reſpect to the ſpecie of their neighbors who keep a lower proportion; whence it follows, that the high proportion makes gold dear and ſilver cheap.

STATES which obſerve a low proportion, over-value their ſilver ſpecie and bring down their gold, in proportion to ſuch of their neighbors as have an higher proportion; whence it follows, that low proportion makes ſilver dear and gold cheap.

OUR gold coin is 22 caracts fine, and 44 $\frac{1}{2}$ guineas are cut out of a pound *Troy*; our ſilver coin is eleven ounces two penny weights fine, and 62 ſhillings are cut out of the pound, conſequently the pound weight of fine gold will amount to (50*l.* 19*s.* 5*d.* $\frac{5}{11}$) 50*l.* 9*s.* 5*d.* $\frac{1}{2}$ ſterling, and the pound of fine ſilver to (3*l.* 7*s.* $\frac{3}{11}$) 3*l.* 7*s.* $\frac{1}{4}$ and therefore fine gold is to fine ſilver as (15 $\frac{2}{9}\frac{1}{8}\frac{1}{1}\frac{2}{7}\frac{9}{1}\frac{3}{7}$ to 1) 15 $\frac{1}{3}$ to 1. So that gold is higher and ſilver lower rated in *Great Britain* than in any other nation in *Europe*. The conſequence of which is the draining of *Great Britain* of its ſilver. I grant the proportion of gold to ſilver in their coin in *Spain* and *Portugal* is as 16 to 1; but as there is for the moſt part a præmium of 6 *per cent.* on payments in ſilver, it comes to the ſame thing as if gold was to ſilver as 15 $\frac{1}{2}\frac{1}{3}$ to 1.

WE will ſuppoſe that in *Spain*, *Portugal*, *Germany*, *Switzerland*, *Savoy*, *Holland* and *France* the way of reckoning is the ſame as in *England*, by pounds, ſhillings and pence, that pieces of gold

and ſilver are coined there of the ſame weight and ſtandard as with ourſelves, and that the following proportions are there obſerved between gold and ſilver.

In *England* the proportion of gold to ſilver being ſuppoſed 15 $\frac{1}{3}$ to 1, and the ſilver piece fixed at 1 *s.* an imaginary gold piece of equal weight with the ſhilling will be 15 $\frac{1}{3}$ times 1 *s.* or 15 *s.* 2 *d.* $\frac{1}{4}$ $\frac{3}{5}$ and the guinea 21 *s.*

| | | | |
|---|---|---|---|
| In *Spain* and *Portugal*, | 15 $\frac{1}{25}$ | times 1 *s.* or 15 *s.* 0 *d.* $\frac{11}{4}\frac{23}{23}$ | and the guinea 20 *s.* 09 *d.* $\frac{1}{4}\frac{23}{25}$ |
| *Germany* and *Switzerland*, | 15 | —— 1 *s.* or 15 *s.* —— | —— 20 *s.* 08 *d.* $\frac{1}{2}\frac{14}{19}$ |
| *Savoy*, | 14 $\frac{4}{5}$ | —— 1 *s.* or 14 *s.* 9 *d.* $\frac{1}{2}\frac{2}{5}$ | —— 20 *s.* 05 *d.* $\frac{1}{4}\frac{9}{14}$ |
| *Holland*, | 14 $\frac{2}{3}$ | —— 1 *s.* or 14 *s.* 8 *d.* —— | —— 20 *s.* 03 *d.* 0 $\frac{12}{19}$ |
| *France*, | 14 $\frac{9}{19}$ | —— 1 *s.* or 14 *s.* 5 *d.* $\frac{1}{2}\frac{14}{19}$ | —— 19 *s.* 11 *d.* $\frac{3}{4}\frac{20}{361}$ |

WHENCE it appears, that the ſtates which obſerve an high proportion between gold and ſilver over-rate their gold pieces, and give them an higher value than thoſe ſtates do which keep a lower proportion.

IN *England* the proportion being 15 $\frac{1}{5}$ to 1, the value of the imaginary gold piece of equal weight with the ſhilling will be 15 $\frac{1}{5}$, and the guinea being fixed at 21*s.* the ſilver piece will be 1*s.*

| | | | |
|---|---|---|---|
| In *Spain* and *Portugal*, | 15 $\frac{1}{21}$ | of 15 $\frac{1}{5}$ | or 1*s.* $\frac{1}{94}$ |
| *Germany* and *Switzerland*, | 15 | of 15 $\frac{1}{5}$ | or 1*s.* $\frac{1}{75}$ |
| *Savoy* | 14 $\frac{4}{5}$ | of 15 $\frac{1}{4}$ | or 1*s.* $\frac{1}{38}$ |
| *Holland* | 14 $\frac{2}{3}$ | of 15 $\frac{1}{5}$ | or 1*s.* $\frac{2}{35}$ |
| *France* | 14 $\frac{9}{19}$ | of 15 $\frac{1}{5}$ | or 1*s.* $\frac{69}{1375}$ or $\frac{1}{20}$ *fere.* |

AND theſe different values of the price of ſilver make it appear with the higheſt degree of certainty, that the ſtates which obſerve a low proportion over-rate their ſilver ſpecie and lower their gold. And from theſe differences of proportion infallibly ariſes the tranſportation of the cheapeſt metal from one ſtate to another. So that the examination of this article, and determining the juſt proportion which ought to take effect in the rating of metals, that the one may not have any preference to the other, is a matter of the greateſt conſequence to the ſtate; and the nature and value of bullion, coins and exchanges in a commercial free ſtate equally claim the attention of merchants and gentlemen, and particularly of ſuch as are concerned in the legiſla-

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ture and the direction of public affairs. I am ſenſible that what I have ſaid above, and what I am going to ſay, concerning the exchanges, will appear to many an unintelligible jargon; but if I ſhould ſay, that our ſilver ſtandard is two penny weights too fine in proportion to our gold ſtandard, that ſtandard ſilver ſells in bullion at 5*s.* 5*d.* ¾, and that *France* and *Holland* give more gold for ſilver than their neighbors, (*Engliſh* crowns will exchange at *Amſterdam* for 37 ſkellings; *Engliſh* crowns brought from *France* produce in *England* only 29*d.* ½ for three livres; *Engliſh* guineas there 24 livres, produce here 21*s.* that 31*d.* ½ for three livres) it will be more intelligible and ſufficiently account for the preſent growing ſcarcity of ſilver, which moſt certainly will continue ſo long as theſe things remain upon their preſent footing.

THE incumbrance and difficulty of tranſporting ſpecie and bullion, being found an impediment to commerce, recourſe was had to bills of exchange from one place or country upon another, and, in order to make the negociations and calculations the eaſier, money of account or exchange, or ideal money, was imagined, which properly ſpeaking, conſiſts in collective names, which comprehend under them a certain number of pieces of real money.

THE moſt eſſential point, but the leaſt known in the buſineſs of exchange, is the exact equality between the current monies, or the real *par*. This is likewiſe the moſt fixed point from whence to ſet out; for the weight and ſtandard of coins

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are every where more ſteady than their numerical value *.

THERE is alſo another equality to be conſidered, *viz.* that between the monies of exchange of one country and thoſe of another, which is by ſome called the political *par*, or *par* of ideal money; and this *par* is nothing but an exact equality between the values of exchange of different markets compared with one another; and theſe *pars* always expreſs the juſt values of our monies and exchanges, whether high or low, and never allow us more than the juſt value, in appreciating goods of foreign produce which *Great Britain* receives, and they are ſuſceptible of all the variations of money that can happen in a ſtate.

IF our commerce and diſburſements in foreign countries are equal to their commerce and diſburſements in ours, the compenſation is equal, in which caſe the balance of trade is ſaid to be equal, and the exchange at *par*; that is, one who gives money in the one country, will receive as much from the other in weight and ſtandard.

IF a nation ſupplies us with more than it takes from us, we muſt neceſſarily pay that overplus,

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* Some months after this was put to the preſs, there was a book printed for *W. Owen*, called the *Univerſal Merchant*, which, tho' full of errors, contains many judicious maxims of trade, and may be very uſeful to ſuch gentlemen as want information with reſpect to the weight and ſtandard of coins.

which

which is called the balance of trade between the two nations, either in money or bullion.

Now in order to pay that balance due to the foreign country, the demand for their money, or for their bills of exchange, becomes greater among us than their quantity. This raiſes their price, and lowers the exchange below *par*; in which caſe we receive leſs, or give more money than we have received, which makes the exchange diſadvantageous to us. Thus exchange has become a traffic, and this difference of the *par* to what is given makes the courſe of exchange. In this caſe it ſhews that *Great Britain* is indebted to her foreign neighbors, and conſequently that the commerce which ſhe carries on with thoſe neighbors is burdenſome and expenſive to her.

In like manner every time *Great Britain* ſhall ſupply a foreign country with more than it receives from thence, that country will be indebted to us, and the exchange to our advantage; becauſe the need which that country will have of our money or of our bills of exchange, in order to pay us that balance, will increaſe her demand for them, and in that caſe ſhe will be obliged to give us more than ſhe really owes us, which makes the exchange riſe above *par*, and become advantageous to us.

According to theſe principles the exchange, which is above *par*, is advantageous to us, and ſhews, that the trade which we carry on with that nation is beneficial, ſince the balance is on our ſide: And the exchange which is below *par*, is diſadvan-

diſadvantageous to us, and proves that our trade is burdenſome and expenſive, ſince we are indebted to the foreigner.

From what has been ſaid it evidently reſults, that exchange ſhews us daily which of any two nations is indebted to the other, that the nation which is indebted has the diſadvantage in commerce, that the nation to which a balance is owing has the advantage, that the advantageous commerce neceſſarily draws in ſpecie or bullion into the ſtate to which the balance is owing, that they are exported out of that ſtate which has the diſadvantage, and that they who attentively conſider the daily courſe of exchanges, by ſeeing which of two nations is indebted to the other, or which has the advantage or diſadvantage in trade, will alſo ſee what is to be done for ſupporting that exchange or benefiting trade.

This method of knowing the balance of trade is infinitely more ſure and expeditious than that of examining the import and export of merchandize; and, if attended to, enables the legiſlature daily to take ſuch meaſures as may either maintain and preſerve the advantage if we have it, or recover it if we have it not; whereas that which reſults from the examination of commodities which are imported or exported, can only be known a long time after, when it is out of time to put thoſe meaſures in execution.

By the courſe of foreign exchanges, which has, jointly with the price of bullion, always been allowed, not only by great ſtateſmen and ſpeculative politicians, but by the moſt ſkilful and ſagacious

gacious practical traders, to be the true criterion of the balance of trade, we may ſee every day of the year the ſtate and ſituation of our trade with any nation whatſoever; whereas, by the examination of the import and export of goods, which cannot be exactly calculated, for want of knowing the prices of the one and of the other, with that preciſion which is requiſite, I might alſo add, for want of knowing the quantity, as it is well known to all thoſe who are concerned in the exportation trade, that the entries and the quantities of woollens exported, ſeldom are the ſame, it cannot be known till a long time after, and then not with any certainty; but if it could, the opportunity of acting is loſt, and the damage is already done. Yet for all this, not a few are of opinion, that the moſt proper method to make a judgment of our foreign trade is, by taking an account from the cuſtom-houſe books of our exports and imports. But this is at beſt a very uncertain way of reckoning, and can be of no advantage in diſcovering the balance of trade, even tho' more exact accounts of our exports and imports could be had, becauſe ſo great a part of the trade of this nation is driven by exchange, and becauſe it cannot be diſcovered by the cuſtom-houſe books, what the native goods exported are ſold for in foreign countries; for the balance of trade muſt ariſe from the value of the goods that are ſold, and not from the quantity that are exported or imported, and that is known only to the merchant who ſells the goods.

Besides, it is well known, that merchants, to ſave themſelves the trouble and fee of taking

out

out another cocket, frequently enter much larger quantities of goods than they actually export; and that fictitious entries are often made of certain commodities, in order to raiſe the price of them from the appearance of the great quantities exported, and the leſs remaining to be ſold.

It is alſo a practice of the owners of ſhips to make fictitious entries, thereby to encourage merchants to load goods on a ſhip put up on a general freight, in expectation that ſhe will be very ſoon diſpatched. Neither is it unuſual for merchants themſelves to put this method in practice ſometimes, to ſupport their declining credit, or to give them the reputation of being greater dealers than they realy are. So that the largeſt entries may be made when the feweſt goods are exported.

To theſe uncertainties of making any judgment of the quantities of goods ſo exported from the entries muſt be added, the impoſſibility of making any reaſonable eſtimate of the value of goods ſo exported; becauſe of the variety of different kinds, and the prices of them. For inſtance, no man can make an eſtimate of the value of perpets, ſtuffs or long and ſhort cloths from the quantities only, for they differ in their prices more or leſs, as one to four or five.

And further, the large profits ariſing from the freight of our ſhipping, does not at all appear from the cuſtom-houſe books. So that I cannot ſee upon the whole, how any computation can be this way made of our general trade, much leſs of that we drive with any particular nation; at leaſt

leaſt it muſt be allowed to be a very imperfect method of knowing the advantage or diſadvantage of trade; and withal, as before obſerved, the ſtate of trade cannot be known ſoon enough by it for its defects to be remedied. The only method therefore, whereby we can make a judgment of the balance of trade, ſeems to be from the courſe of exchanges and the price of bullion.

THE place where the exchange is above *par* has the balance of trade againſt it, as has been before obſerved, and that place where the exchange is under *par*, has the balance in its favor.

AND as the balance of trade grows due gradually from one country to another, by an importation of commodities, the variation of exchanges follows the ſame proportion. For inſtance.

IF *Holland* ſends into *Great Britain* the value of 100,000*l.* in merchandize, and receives from *Great Britain* but the value of 30,000*l.* the *Britiſh* merchants will offer money for bills on *Amſterdam*, even one, two or three *per cent.* above *par*, if they cannot get them for leſs; the negociator is at laſt content to draw, and ſends money over to anſwer the payment, gets the one, two or three *per cent.* for the charges and riſk of ſending the money over; and when this balance is paid, by ſending over the bullion or money, the exchange again falls to *par*.

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WHENCE it is plain, that the courſe of exchange indicates where the balance of trade lies, ſince its balance is proportionable to the balance with any country diſtinctly. But as the *Spaniſh* exchange may be in favor of *Great Britain*, and the *Dutch* exchange at the ſame time againſt *Great Britain*, the courſe of exchange will not ſhew whether *Great Britain* receives more money from *Spain* than it ſends to *Holland*, and conſequently it will be but conjecture to judge from the courſe of exchange, whether *Great Britain* gains or loſes in the general balance of trade.

IN *Great Britain* if bullion, which is allowed to be exported, grows dearer than ſtandard, it is a plain ſign that the general balance is againſt her.

IN *France*, as ſhe keeps up the current ſpecie at an higher price in the mint than bullion, if the negociators of money are forced to ſend out the current ſpecie in payments to foreigners, it will ſhew that moſt of the bullion is already gone, and that the general balance is againſt her.

BUT it muſt be remarked, as we have hinted before, though the courſes of exchange commonly follow the proportion of goods exported and imported, that the ſums ſent out of a kingdom for the payment of intereſt, armies and alliances, the maintenance of travellers and embaſſadors, have the ſame effect upon the courſes of exchange as a balance of trade.

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NATIONS finding the export of money or bullion to pay the balance due by trade, *&c.* a loſs of ſo much riches, and very detrimental to commerce, ſhould diſcourage the import of ſuch commodities as the people could beſt want, by prohibiting their conſumption; induſtry ſhould be encouraged, and all methods taken to lower the price of labor, and in proportion the neceſſaries of life; by theſe methods the native product and manufactures would be improved and increaſed, a larger overplus produced for exportation, trade and exchange made equal, and in time the balance turned in favor of a nation.

OUR having the diſadvantage in exchange can be owing to nothing but the cauſes explained above, and to our ſilly and extravagant fondneſs for the uſeleſs and ſuperfluous goods of foreign markets, which are only ſubſervient to luxury and ſenſuality in the gratification of our artificial wants; for the goods which we realy want, and that are abſolutely neceſſary, can never equal thoſe which foreigners take from us. This being the caſe, the firſt and principal cauſe of our diſadvantage in exchange, particularly with *France*, is our too great conſumption of thoſe foreign commodities which are of little uſe, and might be eaſily diſpenſed with, ſince they are not ſuperior to our own, if they were not valued upon the footing of being *French*.

IF thoſe who have any ſhare in the management of public affairs, inſtead of adorning themſelves with foreign gewgaws, would conſider

ſider, that there is but one way of bringing gold and ſilver into *Great Britain*, and attend to the courſes of exchange, and when it appeared that we had a diſadvantage with any nation, diſcountenance or rather retrench in part or in whole, as the caſe required, the uſe of the commodities which are taken from that nation, if they were not abſolutely neceſſary; they would ſhew themſelves good patriots, and preſently retrieve the advantage in favor of our trade.

OUR exchange with *Holland* being always a loſing one, is very diſadvantageous to us; for *Amſterdam* being made the centre of negociations by bills between *Great Britain* and many other parts of *Europe*, with which we carry on a large commerce, the rate of exchange between us and *Holland* muſt affect all our money tranſactions with thoſe countries, in conſequence of which we receive leſs for our exports to *Holland*, *Ruſſia*, *Sweden*, *Denmark* and moſt parts of *Germany*, and pay them more for what we import from thence.

THE obvious cauſes conſpiring to keep the *Dutch* exchange in our diſfavor are, the intereſt money we pay them for the millions they have in our funds; the commiſſion we pay them for negociating the money tranſactions between us and the countries above-named; their paying leſs for the merchandizes they take from us, and we more for thoſe we take from them, and from thoſe countries with which we tranſact buſineſs by their means, in conſequence of the exchange being in their favor; and the gold and

ſilver remitted to *England* from *Spain* and *Portugal*, in return of goods ſent thither from *Germany*, often being remitted from hence through *Holland* into *Germany*; and while theſe cauſes ſubſiſt the effect muſt be the ſame.

THIS might in part be remedied, by eſtabliſhing more direct courſes of exchange, eſpecially to thoſe places we now do buſineſs with through the medium of the *Dutch*. This is a thing practicable, and abſolutely in the power of our merchants, by which they and their correſpondents will ſave the commiſſion which they now pay to the *Dutch* for tranſacting their buſineſs: And that ſaving would enable them to afford our native commodities cheaper at foreign markets, and enable our foreign correſpondents to afford their merchandizes cheaper to us, and prevent the *Dutch* exchange from being the medium of diſadvantage to both.

I HAVE now done with my remarks, and ſhall only add a few lines concerning the following treatiſe, the intent of which is to inform all merchants, maſters of ſhips, and in general all other perſons any ways employed in trade and commerce, of the treaties, laws, ordinances and uſages, and every thing material concerning the ſame, in a method different from any other work of the kind, wherein all men may find all that inſtruction which is requiſit for ſecuring their trading properties, and the juſt conduct of their actions through the whole world of *Britiſh* commerce. It alſo contains an account of the ſtatutes relating to the *Britiſh*

cuſtoms, which allow of the exportation and importation of merchandize, and ſignify the terms and conditions thereof, and the penalties on unfair traders. And this account ſhews the riſe and progreſs of our trade, the variations of it from time to time, the encouragements given to the places of growth of commodities, and *Britiſh* built ſhips, and for exporting our own manufactures; and is a kind of hiſtory of all mercantile things and incidental affairs. In this ſecond edition there are conſiderable additions made to moſt of the chapters. The whole is regularly continued down to *January* 1753, and a new chapter added concerning Bankrupts.

THE

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A GENERAL

# A GENERAL TREATISE OF NAVAL TRADE and COMMERCE.

## CHAP. I.

### *Of Naval Trade in general.*

TRADE or Commerce is a Buſineſs or mutual Employment, ariſing from the Neceſſity Men are under of receiving from one another ſuch Things as they are obliged to exchange for the Relief of their reſpective Neceſſities, and the Support of human Life, and is exerciſed in the Buying, Selling, Bartering and Exchanging of Wares and Commodities; and in a Naval Signification it extends to all Traffick or Merchandizing with other Countries.

This I think to be a juſt Definition of the Word *Trade*; the three eſſential Parts whereof are *Commodities*, *Money*, and *Exchange*, by which all Traffick and Trade is performed, or by ſome

of them, becauſe they are the Cauſes of Commerce, and have been compared to the Body, Soul and Spirit thereof. To enumerate the many Kingdoms and States that have raiſed themſelves to the higheſt Pitch of Greatneſs by Trade and Commerce, would be needleſs in this Treatiſe; ſince it appears from Hiſtory that moſt of the ancient Nations have been fully convinced of the Uſefulneſs of it, and have engaged in it with great Application, that it became the Means of vaſt Advantages to them, that the moſt famous Monarchies have been wholly indebted to Trade, not only for their Subſiſtence, but alſo for their Greatneſs and Splendor, and that it has always been the Source of Riches, and the Chain which united Nations: I ſhall therefore only give a few remarkable Inſtances from ſome of our beſt Hiſtorians. In ancient Times, *Conſtantinople*, which was once the greateſt Empire and the Throne of *Chriſtendom*, having been plundered by the *Turks*, became a Place of Deſolation; but by granting a free Trade, and the free Exerciſe of Religion, that unhappy Place was ſoon re-peopled, and reſtored to its former Glory.

To come nearer Home, if we obſerve but our Neighbours the *Dutch*, we find that upon a very ſmall Tract of boggy Land, by extending their Trade to the remoteſt Countries, they are at this time the Store-keepers of the whole World; and from a very low and mean Beginning are grown a powerful People, having juſtly obtained a Name equal to that of the greateſt Monarchs.

The Commonwealth of *Venice*, and other foreign free States, by their convenient Situation for Traffick, and Wiſdom and Steadineſs in the Adminiſtration of Publick Affairs, with their juſt

Laws

Laws for ſecuring Liberty and Property, which are the Life of all Trade and Induſtry, (for what People would be at the Expence, Trouble and Hazard to carry on Trade, if they were not ſure to enjoy the Fruits of their Labours?) and their Way and Manner of Living, are reſpected and admired for their great Riches, Strength and Magnificence, and Examples to Kingdoms of the firſt Rank in *Europe:* And hence it is, that Trade and Commerce are now become the principal Object and Care of Kings and Potentates; as the Return of Commerce is Riches and Plenty, which fortifies Countries with Strength and Reputation.

And as no Nation is better ſituated for Trade than *Great Britain*, nor has a larger or more commodious Port than *London*; *England* in particular, on the Encouragement of the Great King *Edward* III. the renowned Queen *Elizabeth*, and their moſt glorious Succeſſors, has raiſed herſelf to the higheſt Pitch of Power and Grandeur, and acquired a Superiority above all other Nations. For it is our Trade which enables us to ſend ſuch vaſt Fleets of Ships to Sea, mann'd with ſuch Numbers of brave and able Sailors, which give Terror to the Univerſe.

By Trade and Commerce our moſt eminent Merchants in Eſtates and Fortunes exceed the greateſt Nobility of the moſt flouriſhing Kingdoms abroad; their Houſes in Town and Country are like ſo many Princes Palaces; their Wives and their Families make the moſt ſplendid Appearance; their Way of Life is very Grand, without any Extravagance; their Equipages are decently rich and coſtly; and as they are well aſſured of poſſeſſing and uſing at their pleaſure what

they can acquire, they are ever active and enterprizing.

Our foreign Trade at this Time is chiefly to *Italy*, *Turky*, *France*, *Spain* and *Portugal*, to *Africa*, *Germany* and the *Baltick*, the *Eaſt* and *Weſt Indies*: The *Dutch* have ſupplanted, or at leaſt interfered with us in the *Eaſtland* and *Greenland* Trades, and partly in that of *China* and *Japan*. By the Statute 3 *Jac.* 1. *cap.* 6. All the King's Subjects ſhall have free Trade into and from *Spain*, *Portugal* and *France*, notwithſtanding any Grant of Incorporation to prohibit the ſame, or any other Act or Thing whatſoever to the contrary.

But the 1 *Will. & Mar. cap.* 34. Prohibited Trade with *France* during the War; and all Importation, Vending or Uttering of any Goods or Commodities, of the Product or Manufacture of the Dominions of the *French* King, was declared a common Nuſance, and the Commodities ſo imported were to be ſeized and burnt, or otherwiſe deſtroyed; likewiſe the Importers thereof to forfeit the full Value, and the Veſſels with their Furniture, *&c.* and Landing ſuch Goods or Merchandize, or Aſſiſting therein, incurred a Penalty of 500 *l.* Thus our Trade ſtood till the War was ended, and the Prohibition of it to *France* was taken off and repealed by 9 *Ann. cap.* 8.

In the third Year of King *George* the Firſt, by an Act of Parliament then made, the King was enabled by Proclamation to prohibit all Trade both of Exportation and Importation with *Sweden*, on the intended Invaſion of this Kingdom by the late King of *Sweden*: This being only a Temporary Statute, it expired with the apprehended Danger. And by the *Quarantain* Act 8 *Geo.* 1. *cap.* 8. that King was empowered in like Manner

to

to prohibit Commerce with any Country abroad infected with the Plague, and to reſtrain all Perſons from going to, or coming from ſuch foreign Countries, at ſuch Times of Infection, under the ſevereſt Penalties; and the Officers of Ports ſhall in ſuch Caſe reſiſt the Entrance of Ships, by firing of Guns upon them. See the Stat. 1 *Geo.* 2. *cap.* 18.

It has been formerly held, that no *Engliſh* Subjects may Trade to and with a Nation of *Infidels* without the King's Leave, becauſe of the Danger of relinquiſhing Chriſtianity; and it was ſaid by the Lord Chief Juſtice *Coke*, that he had ſeen a Licenſe from one of our Kings, reciting, that he having a ſpecial Truſt and Confidence, that ſuch a Perſon his Subject would not decline his Faith and Religion, licenſed him to Trade with Infidels, *&c.* 3 *Nelſ. Abr.* 331.

But Merchants are not generally reſtrained from leaving the Kingdom, as all other Subjects are, without Licenſe; for they may depart and live out of the Realm and the King's Obedience, for the Benefit of Trade, and the ſame is no Contempt, they being excepted out of the Statute 5 *Rich.* 2. *chap.* 2.

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## CHAP. II.

### *Of Merchants, Natives and Foreigners.*

A Merchant, here in *England*, is one that buys and trades in any Thing: And as Merchandize includes all Goods and Wares expoſed to

Sale in Fairs or Markets, ſo the Word Merchant anciently extended to all Sorts of Traders, Buyers and Sellers. But every Man who buys and ſells Goods is not at this Day under the Denomination of a Merchant; only thoſe that Traffick in the way of Commerce, by Importation or Exportation, or carry on Buſineſs by way of Emption, Vendition, Barter, Permutation or Exchange, and which make it their Buſineſs to buy and ſell, are eſteemed Merchants.

A Merchant ought generally to know Arithmetick, the ſeveral Weights and Meaſures of all Countries, and the Correſpondence between them; alſo Coſmography and the Mathematicks, thereby to be acquainted with the Situation of Countries, their Diſtance and Spaciouſneſs, and the diſtinct Dominions of Princes by Land and Sea, *&c.* And ſhould know not only the eſſential Parts of Traffick, but likewiſe the Goodneſs of the Commodities of every Country, with the Cuſtoms in buying or ſelling of Merchandize for Money, Bills, or in way of Barter; and the Weight, Fineneſs and Valuation of the Money of all Places abroad. *Lex Mercat. p.* 5.

The Bartering of Goods ſignifies to exchange one Commodity for another, or truck Wares for Wares by Merchants; ſo it is mentioned in the Statute 1 *R.* 3. *cap.* 9. And Exchange was the original and natural way of Commerce precedent to Buying; for there was no Buying till Money was invented, tho' in Exchanging both Parties are as Buyers and Sellers, and they equally warrant. In ſome foreign Countries, the uſual Method of Buying and Selling of Commodities, between Merchants, is by Bills of Debt, or Bills Obligatory, which by the *Law Merchant* are there

there alienable or aſſignable over. *Lex Mercat.* 71. 3 *Salk. Rep.* 157. *Vide Vol.* ii. *Chap.* 1.

In former Times it was a received Opinion, that thoſe Laws, which were prohibitory againſt foreign Goods imported, *&c.* did not bind a Merchant-Stranger: Tho' it hath been a long Time ſince adjudged otherwiſe; for in the Leagues that are eſtabliſhed between Nation and Nation, the Laws of either Kingdom are excepted; and as the *Engliſh* Merchants in *France*, or in any other Nation in Amity, are ſubject to the Laws of the Country where they reſide, ſo muſt the People of *France*, or any other Country, be ſubject and liable to the Laws of *England*, when Reſident here. 19 *H.* 7.

By the Common Law, Merchants were always particularly regarded in this Kingdom; but the Municipal Laws of *England*, or indeed of any Realm, are not ſufficient for the ordering and determining the Affairs of Traffick, and Matters relating to Commerce; Merchandize being ſo univerſally extenſive, that it is impoſſible: Therefore the *Law-Merchant*, (ſo called from its univerſal Concern) all Nations take ſpecial Knowledge of; and the Common and Statute Laws of this Kingdom leave the Cauſes of Merchants, in many Caſes, to their own peculiar Law. In the Reign of King *Edw.* 4. a Merchant-Stranger made Suit before the King's Privy Council, for ſeveral Bales of Silk feloniouſly taken from him; wherein it was moved, that this Matter ſhould be determined at Common Law; but it was anſwered by the Lord Chancellor, that as this Suit was brought by a Merchant, he was not bound to ſue according to the Law of the Land. 13 *Ed.* 4.

Merchants abroad are very circumſpect and careful in giving Characters one of another, leſt unawares they thereby become Sureties. A Merchant at a Mart-Fair in *Germany*, being in a Merchant's Warehouſe, where there was another Merchant of his Acquaintance, a Stranger to the Seller, cheapening a Parcel of Silk-Wares; the Seller aſking whether he was a Man of good Credit, was anſwered in the Affirmative, and the Bargain was made, the Goods delivered to the Buyer, and his Bill Obligatory taken for the Payment at the next Fair following: Here the Buyer not appearing at the time, Demand of the Money was made of the Merchant that gave the Buyer the Character; but he refuſing to pay it, a Suit was thereupon commenced, and he was adjudged to pay the Money; and all the Recompence he had was the Buyer's Bill Obligatory, which was aſſign'd over to him, but of no Value, the Buyer being become inſolvent. *Lex Mercat. cap.* 10. *fol.* 69.

This Determination was according to the Civil Law, and general Law and Cuſtom between Merchants; tho' the Opinion of ſome Merchants being demanded, they were divided therein: And it was by all agreed, that if the Party had ſaid of the Buyer of the Goods, he is taken or reputed to be a Man of good Credit, or I take him to be ſo, without affirming it, he had been cleared by the Law and Cuſtom of Merchants. This may be a good Caveat for Merchants and all Men. *Ibid.*

The Wares, Merchandizes, or Debts that Merchants have as Joint-Traders or Partners, on the Deceaſe of either or any of them, ſhall not go to the Surviyor or Survivors, but to the Executor

of

of the deceaſed; and the ſurviving Merchant or Merchants ſhall be obliged to join in an Action with the Executor for Recovery thereof. 2 *Lev.* 188. But it has been held, that if two Joint-Merchants make *A. B.* their Factor, and one of them dies leaving an Executor; this Executor and the Survivor cannot join, for the Remedy ſurvives, but not the Duty or Intereſt; and therefore on Recovery he muſt be accountable to the Executor for that. 2 *Salk.* 444.

If there are two Merchants Partners in Trade, who are indebted, and one breaks, the other may not be charged with the whole; but the Eſtate belonging to the Joint-Trade ought to be divided, *&c.* But where there are two Partners, and one dies, the Survivor ſhall be charged for the whole Debt. 1 *Mod.* 45. Acts diſcharging Bankrupts ſhall not diſcharge any Partner in Trade, or one jointly bound with the Bankrupt. 1 *Danv. Abr.* 686.

In Caſe two Joint-Merchants occupy their Stock, Goods, and Merchandiſe in common, to their common Profit, one of them naming himſelf a Merchant ſhall have an Account againſt the other naming him a Merchant, and ſhall charge him as a Receiver: And if two Merchants are found in Arrear upon an Account with another, and they promiſe to pay it at certain Days, but do not; then either of them may be charged for the whole ſingly; and an Action of the Caſe will lie on the Cuſtom of Merchants. 1 *Co. Inſt.* 172. 2 *Roll. Abr.* 702.

If one Merchant draws a Bill of Exchange upon another, either at home or abroad, the Acceptance of the Bill by the Party ſhall bind him to that Party to whoſe Uſe the Money in the Bill

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is to be paid, and he may bring his Action in his own Name *per legem Mercatoriam*: And ſo it is if a third Perſon that is a Stranger to the Bill ſhall accept the ſame for the Honour of the Drawer, it will bind him as effectually as if he upon whom it was drawn had done it. 2 *Cro. Rep.* 7. And where two Merchants have a joint Trade, and one of them only accepts a Bill of Exchange, if he do not pay it an Action lies againſt the other; *per Twiſden*: But the regular Method is to proceed againſt both. *Stiles* 370. See *Exchange*.

The Exception in the Statute 21 *Jac.* 1. of Limitations concerning Merchandize, as to Actions of Account, being brought within the Time limited, extends only to Accounts current between Merchants, betwixt which and an Account ſtated there is a Diverſity; for when the Account is ſtated and balanced the Certainty of the Debt appears, and all the Intricacy of Account is out of Doors: And the Action muſt be brought within ſix Years after the Account is ſtated. But it was here ſaid, if after an Account is ſtated, upon the Balance of it a Sum appear due to either of the Parties, which is not paid, but is afterwards thrown into a new Account between the ſame Parties, it is then ſlip'd out of the Statute again: And the Reaſon of the Exception in this Statute was, becauſe Merchants are often out of the Realm, and cannot always proſecute their Actions in due Time. 1 *Mod. Rep.* 268, 270.

Merchants, Traders, and others, deſiring to end any Suit or Controverſy, (for which there is no other Remedy, but by perſonal Action, or Suit in Equity,) by Arbitrament may agree, that their Submiſſion of the Suit to the Award or Umpirage

Umpirage of any Perſon or Perſons, ſhall be made a Rule of any of his Majeſty's Courts of Record, which the Parties ſhall chuſe, and may inſert ſuch their Agreement in their Submiſſion, or the Condition of the Bond or Promiſe; and when upon filing the proper Affidavit thereof, the ſame is entered of Record, and a Rule of Court thereupon made, the Parties ſhall ſubmit to, and be finally concluded by ſuch Arbitration or Umpirage; and in Caſe of Diſobedience thereto, the Party refuſing to perform the ſame, ſhall be ſubject to the Penalties of contemning ſuch Rule of Court; and Proceſs of Attachment, *&c.* ſhall iſſue accordingly. *Stat.* 9 *&* 10 *W.* 3. *cap.* 15. 1 *Salk.* 83.

By the Statute 7 *Ann. cap.* 12. No Merchant or Trader, within the Deſcription of any of the Statutes of Bankrupt, putting himſelf under the Service of any Ambaſſador, *&c.* here from Abroad, ſhall have any Benefit by this Act to be privileged from Arreſts, *&c.*

*The* Statutes *in general, relating to* Merchant-Strangers *and others, are the following*, viz.

By *Magna Charta*, 9 *H.* 3. *cap.* 30. All Merchant-Strangers, (if they are not openly prohibited before) ſhall have ſafe Conduct of coming into, going out of, and remaining in *England*, to buy and ſell, without being exacted upon by any manner of exceſſive Tolls, except in time of War, and they be of our Enemy's Country; and altho' they be of a Land making war againſt us, ſo long as our Merchants are well uſed there, they ſhall have the like good Uſage here.

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The Act 9 *Edw.* 3. *cap.* 1. ordains, that Merchant-Strangers may freely buy and ſell Goods within the Realm, except they be Alien Enemies: And if any Diſturbance or Abuſe be offered to them, or any other Merchant in a Corporation, and the Head Officer there do not, upon Requeſt, provide a Remedy, the Franchiſe ſhall be ſeized into the King's Hand; and the Diſturber, on being attainted thereof, ſhall anſwer double Damages to the Party grieved, ſuffer one Year's Impriſonment, and be ranſomed at the King's Will: And if the Diſturbance be out of a Franchiſe, the Lord, or his Bailiff, *&c.* neglecting to provide Remedy, are liable to the ſame Penalty.

By Statute 27 *Edw.* 3. *cap.* 2. Safe Conduct ſhall be granted to Merchant-Strangers, except Alien Enemies, to come and dwell in this Realm, and return when they pleaſe; as alſo to ſell their Commodities, without having them taken from them againſt their Will, on any Colour or Pretence whatſoever. And Officers, or others, offending againſt this Law, ſhall be arreſted by the head Officer of the Place, if it be out of the Staple; and if within it, then by the Mayor and Miniſters of the Staple; and ſhall be proceeded againſt according to the Staple-Law, and not at the Common Law; and on conviction of the Offence, incur double Damages to the Party grieved, and as much to the King.

By the 27 *Edw.* 3. *Stat.* 2. *c.* 11. & 17. All Merchants may freely ſell their Merchandize at the Staple by Groſs, or by Retail, without Challenge or Impeachment; but it ſhall be Felony to foreſtall, buy, or give earneſt for any Merchandizes, before they come to the Staple or Port, or

to

to enter Ships for that Purpose. No Merchant may be impleaded for another's Trespass, Debt, *&c.* And if any Difference arise between the King and any foreign Prince, who hath Merchants here, those Merchants his Subjects shall have (by Proclamation) forty Days given them to depart; and if for any just Cause they cannot leave the Kingdom so soon, they shall have longer Time allowed, until they may conveniently go; and in the mean Time may sell their Merchandize, if they can do it.

And by 38 *Ed.* 3. *cap.* 2. it is ordained, that any Merchant may use more Merchandizes than one, notwithstanding the Statute of 37 *Ed.* 3. *cap.* 5. by which Merchants were prohibited to do it; and all Merchants, as well Aliens as Denizens, may buy all Manner of Merchandize, and freely carry them out of the Realm, paying the Customs, *&c.* except that *English* Merchants shall not go abroad with Wool, or Woolfells, *&c.*

The 5 *Rich.* 2. *cap.* 1. enacts, that all Merchant-Strangers, of whatsoever Kingdom or Country they may be, being in Amity with us, coming into *England*, shall be welcome, and friendly entertained and treated here, in all Parts within this Kingdom, with their Merchandize and all manner of Goods, without being disturbed. But by the Stat. 16 *Rich.* 2. it is enacted, that no Merchant-Stranger shall buy or sell, or merchandize within the Realm with another Merchant-Stranger, to sell again; nor sell any Merchandize by Retail, but Victuals: Only Wine he shall sell by whole Vessels, and Spicery by whole Bales, and in no other manner.

By the 4 *Hen.* 4. *cap.* 15. Merchant-Strangers and Denizens, that bring Merchandizes into *England*,

*land*, and the ſame do ſell here, and receive *Engliſh* Money for the ſame, ſhall beſtow ſuch Money upon other Merchandize of *England*, to carry the ſame out of the Realm, without carrying any Gold or Silver in Coin or Maſs, excepting their reaſonable Coſts.

And the 5 *Hen.* 4. *cap.* 9. ordains, that for the better keeping of Gold and Silver within this Kingdom, and for the Increaſe of our Commodities and Manufactures, all Merchant-Strangers ſhall give Security to the King's Cuſtomers and Controllers, to employ their Money on the Commodities of this Realm; which they ſhall do, in Pain to forfeit the ſame Money: Alſo Merchant-Strangers were to ſell their Merchandize within a Quarter of a Year next after their Arrival; but this Clauſe is repealed by a ſubſequent Act. And by this Statute, the head Officer of the Port where a Merchant-Stranger ſhall arrive, ſhall aſſign him a ſufficient Hoſt or Inn, at which and with whom he ſhall reſide, and in no other Place; and the Hoſt ſo aſſigned ſhall take for his Pains as hath been accuſtomed.

The Statute 8 *Hen.* 6. *cap.* 24. ordains, that no Merchant-Alien ſhall conſtrain any of the King's Subjects by Promiſe, Covenant or Bond, to pay him in Gold for any Debt, which to him may be due for any Merchandize ſold; nor refuſe to receive payment thereof in Silver, upon Pain of forfeiting double the Value of the ſame: And to prevent Loſs to the *Engliſh* Merchants having dealings with Foreigners here, no *Engliſhman* ſhall ſell within this Realm, to any Merchant-Alien, any manner of Merchandize, but for ready Money paid preſently, or for other Merchandize preſently delivered.

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By the 1 *Rich.* 3. *cap.* 9. The *Italian* Merchants trading hither ſhall ſell their Goods and Merchandize at the Port where they land them, and in Groſs, not by Retail, or ſhall forfeit the full Value thereof: They are alſo to ſell their Commodities within eight Months Time, and in that Space lay out and employ the Money received upon *Engliſh* Commodities, (their Expences deducted) and not make over the Money by Exchange; and if within that Time they cannot diſpoſe of their Goods, in two Months after the eight Months they ſhall convey them out of the Realm; in Pain to forfeit the Money made over by Exchange, and the Merchandize ſold after eight Months, and not conveyed away as aforeſaid, or the Value of the ſame. Theſe Merchants may tranſport their Merchandize from one Port to another, ſo as they ſell them within the ſaid eight Months: But no ſuch Merchant ſhall buy and ſell any Wool in this Realm; nor ſhall he make any Woollen Cloth, or deliver Wool to that End, upon Pain of Forfeiture.

By 3 *Hen.* 7. *cap.* 8. it is inacted, that every Merchant of *Ireland*, *Jerſey* or *Guernſey*, that bringeth any Merchandizes into *England*, ſhall lay out the Money received for the ſame Merchandize (his reaſonable Expences being deducted) upon the Commodities of this Land, or without Fraud employ the Money in due Payment here; the ſame to be proved by Writing from the Merchant or Merchants to whom he hath paid the Money by him received, witneſſing that he hath ſo done, or by ſuch other Proof as ſhall be thought reaſonable to the Cuſtomer or Comptroller of the Port; on Pain of forfeiting the Value of the Merchandize ſo brought into this Kingdom;

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the one Half of the ſaid Forfeiture to go to the King, and the other Half to the Party that will ſue for the ſame. And by this Act, the 17 *E.* 4. is made perpetual; which Statute ordains, that Merchant Aliens guilty of theſe Offences, ſhall forfeit all their Goods found within this Realm, and ſuffer a Year's Impriſonment.

The 23 *H.* 8. *c.* 7. ordained, that no Merchant ſhall lay on Land out of a Ship any *French* Wine, between the Feaſt of St. *Michael* and the *Purification*, on Pain of Forfeiture thereof: And the Lord Chancellor and other great Officers have Authority to ſet the Price of *French* and other Wines, by the But, Barrel, *&c.* and Perſons ſelling at greater Prices ſhall forfeit 40 *l.* alſo the Price of retailing Wines is limited by this Statute.

By the 1 *Eliz.* *c.* 11. No Merchants, or other Perſons, are to lade or unlade into, or out of any Ship or Veſſel, any Goods, Wares or Merchandize whatſoever, except Fiſh taken by *Engliſhmen*, but only in the Day-Time, and at certain Ports and Places appointed; in Pain to forfeit the Goods, Wares or Merchandize otherwiſe laden or unladen, or the Value: The Places aſſigned, to be *London*, *Southampton*, *Briſtol*, *Newcaſtle*, *Weſtcheſter*, &c.

The Stat. 12 *Car.* 2. *c.* 4. Which grants the Cuſtom-Duties of Tonnage and Poundage to be paid by Merchants to the King, and declares what particular Things may be Tranſported, paying the ſaid Duties; provides and enacts, That all manner of Wines imported in the Port of *London*, or elſewhere, ſhall be freed from the Impoſition of *Exciſe*.

By 1 *W.* & *M.* *c.* 34. If any Merchant, Wine-cooper, or other Perſon, ſelling Wines by Whole-

ſale

ſale or Retail, ſhall corrupt or adulterate any Wine, or utter Wine corrupt or adulterated, they ſhall forfeit 300*l.* for every Offence; one Moiety to the King, the other to the Proſecutor, to be recovered by Action of Debt, Bill, Plaint or Information, *&c.* and be impriſoned for three Months.

And by the 9 *Ann. c.* 8. Merchants importing *French* Wine are to do it in Ships of ſeventy Tuns Burthen, and ſo as the ſame comes directly from *France* into *Ireland*, and from thence to *England:* But before ſuch Ships return to *France*, they are to be loaden with *Engliſh* Goods to the Value of the Wines; and Oath is to be made before a Cuſtom-Officer, that the Goods are intended to be landed in *France*, &c. See *Cuſtoms*.

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## CHAP. III.

### *Of Navigation and Shipping at Sea.*

NAvigation is the Art of Sailing at Sea, alſo the Manner of Trading to foreign Countries: And Ships are the Means by which this Trade is extended and carried on; ſo that Ships and Shipping come under Navigation.

According to the common Right of Mankind, the Navigation thro' the World is no leſs free and open to every one than the Air; and hence it proceeds, that Paſſage by Sea to all Chriſtian Countries is and hath been ſo indifferently permitted to all Nations not being profeſſed Enemies: And none can be prohibited to ſail in the

Main Sea; unleſs in Places where the Waters are as Royalties, which the *Venetians* claim in ſome of their Territories and Juriſdictions, and other Princes and States by Preſcription. *Lex Mercat.* 124, 130.

If a Ship bound for *Venice* do enter into the River of *Liſbon*, and there deliver ſome Goods or Merchandize, and afterwards entering into the Straits of the *Mediterranean* Sea, be driven by contrary Winds to ſome other Place or Iſland in the ſaid Seas, and then after that make his Diſcharge at *Venice*; all this time of the Voyage is but one Navigation, and the Maſter of the Ship hath committed no Fault, if he departed from the firſt Port at the Time limited. *Ibid.* 124.

As to Ships in general, there have been many Statutes made for increaſing and preſerving them, and improving the Navigation of this Kingdom: By 5 *Rich.* 2. *c.* 3. it was enacted, that none of the King's Subjects ſhould bring in or carry out any Merchandize but in *Engliſh* Ships; in pain to forfeit all Merchandize otherwiſe conveyed, or the Value thereof. But the 6 *R.* 2. *c.* 8. ordains, that the Statute before-mentioned ſhall only take Place where able Ships of the King's Allegiance may be found; otherwiſe the Merchants may hire other Ships, notwithſtanding that Statute.

By the 4 *H.* 7. *c.* 10. No *Gaſcoign* or *Güien* Wine, *&c.* ſhall be imported into this Realm but in *Engliſh* Veſſels, on pain of Forfeiture: And none ſhall freight any Merchandize in any Stranger's Ship, if he may have ſufficient Freight in the ſame Port, in a Denizen's Ship; under the Penalty of forfeiting all Merchandize not thus ſhipped, to be divided between the King and the Seizor. This Act ſhall not extend to any Ship,

having Merchandize on board, that is forced by Tempeſt into any Port of this Kingdom; ſo as the Owner thereof make no Sale of the Merchandize here, except only for neceſſary Victuals, or repairing of the Ship and Tackle.

The Stat. 32 *H.* 8. *c.* 14. ordains, that *Gaſcoign* or *Guien* Wines, or *Thouloufe* Woad, may be brought into this Kingdom in any other Ships, as well as *Engliſh*, notwithſtanding the Act of 4 *H.* 7. And by this Statute, a Rate was ordain'd of what ſhould be paid for the Freight or Portage of the ſeveral Sorts of Merchandizes, in Ships from the Port of *London* to other Places, and from thence to *London*.

By 1 *Eliz. c.* 13. If any Owner of any Merchandize ſhall in the time of Peace embark or unload any Part thereof, (Maſts, Pitch, Tar, and Corn only excepted) out of or into any Ship, other than an *Engliſh* Bottom, he ſhall pay Cuſtom as an Alien: And no *Engliſhman* ſhall croſs the Sea in any Hoye, *&c.* with any Goods or Merchandize, in pain to forfeit the ſame, to be divided between the King and the Proſecutor. But Merchants, at their ſeveral Shippings of Cloth out of the *Thames*, twice in the Year, may embark Merchandize in a Stranger's Ship, ſo long as there are not *Engliſh* Ships enough and convenient to convey ſuch Merchandize into *Flanders*, *Holland*, *Zealand*, or *Brabant*, &c.

By the *Act of Navigation*, 12 *Car.* 2. *c.* 18. it is enacted, that no Goods ſhall be imported into, or exported out of any Territories belonging, or which may hereafter belong to his Majeſty, his Heirs and Succeſſors, in *Aſia*, *Africa*, or *America*, in any other Ships but ſuch only as belong to the People of *England*, or *Ireland*,

*Wales*, or Town of *Berwick* upon *Tweed*, and whereof the Maſter and three fourths of the Mariners are *Engliſh*, in pain to forfeit all the Goods and Commodities, and the Ship or Veſſel with all its Furniture; one third Part whereof to the King, another third to the Governor of the Country where ſuch Default ſhall be, if ſeized there, otherwiſe that third alſo to the King, and the other third to him that will ſeize or ſue for the ſame. And Commanders at Sea, having Commiſſion from the King, are to bring in as Prize, Ships offending contrary hereunto; and in ſuch Caſe of Condemnation, one Moiety ſhall be to the Uſe of ſuch Commanders and their Companies, and the other Moiety to the King.

No Goods of the Growth or Manufacture of any Countries belonging to *Muſcovy*, or of the Produce of the *Turkiſh* Empire, ſhall be imported into *England*, *Ireland*, *Wales*, or Town of *Berwick*, in any Ship or Veſſel not of *Engliſh* Built, or not belonging to the People of ſome of them, and navigated as aforeſaid; except Veſſels of the Built of that Place of which the Goods are, or of ſuch Port where they can only be or uſually are ſhipped, the Maſter and three fourths of the Mariners being of the ſaid Country; on pain of forfeiting the Ship and Goods, to be divided and diſpoſed as above-mentioned: And all Wines of the Growth of *France*, or *Germany*, and divers Goods and Merchandize from *Spain*, *Portugal*, *Ruſſia*, &c. which ſhall be imported into the Places aforeſaid, in any other Ship than what doth belong to *England*, *Ireland*, &c. and is navigated as aforeſaid, ſhall be deemed Aliens Goods, and pay accordingly. *Stat. ibid.*

And

And no foreign built Veſſel ſhall paſs as a Ship belonging to *England*, *Ireland*, *Wales*, &c. till the Owner make appear to the chief Officers of the Cuſtoms in the Port next to the Place of his Abode, that he is not an Alien, and take an Oath that it was *bona fide* bought of ſuch Perſons, expreſſing the Sum given, and the Time and Place, when and where, *&c.* and that no Foreigner hath a Share therein. Alſo none ſhall load in any Bottom, whereof Strangers are Owners, Part-Owners, or Maſter, and of which three fourths of the Mariners at leaſt are not *Engliſh*, any Goods whatſoever from one Port or Creek of *England*, *Ireland*, *Wales*, *Guernſey*, *Jerſey*, or Town of *Berwick*, to another Port of the ſame, on pain to forfeit ſuch Goods and Veſſel. *Ibid.*

The 22 & 23 *Car.* 2. *c.* 11. ordains, that where any Goods ſhall be laden on board any *Engliſh* Ship of the Burthen of 200 Tuns or upwards, and mounted with ſixteen Guns or more, if the Maſter yields up ſuch Ship or Goods to any *Turkiſh* Veſſel, or any Pirate without Fighting; upon Proof thereof in the Admiralty, he ſhall be incapable of taking Charge of any *Engliſh* Veſſel, *&c.* And Maſters of *Engliſh* Ships, tho' not of that Burthen nor mounted as aforeſaid, that ſhall yield to a *Turkiſh* Ship or Pirate, (not having at leaſt double Number of Guns) without Fighting, ſhall be liable to the Penalties of this Act: If any inferior Officers or Mariners of a Ship ſhall refuſe to fight when commanded, or utter Words to diſcourage others, they ſhall loſe all their Wages due, and be impriſoned not exceeding ſix Months, *&c.* and Mariners laying violent Hands on their Commanders to hinder them from fight-

ing in Defence of their Ships, ſhall ſuffer death as Felons.

When any *Engliſh* Ship ſhall have been defended by Fight, and brought to her Port, in which fighting any of her Men have been wounded, the Judge of the Admiralty, or his Surrogate, *&c.* where the Ship ſhall arrive, upon the Petition of the Maſter and Seamen, may call ſo many as he ſhall be informed to be Adventurers or Owners, and by adviſing with them, levy upon the reſpective Owners ſuch Sums as himſelf and the major Part of them then preſent ſhall judge reaſonable, not exceeding two *per Cent.* of the Ship and Goods; which Money ſhall be diſtributed among the Maſter, Officers, and Seamen, or the Widows and Children of the Slain, according to the Direction of the Judge, with the Approbation of three or more of the Owners or Adventurers. *Ibid.*

By the 5 & 6 *W.* & *M. c.* 24. Every Perſon that ſhall within ſuch a Time build or cauſe to be built any Ships of three Decks, containing 450 Tuns, and mounted with thirty two Pieces of Ordnance, having Ammunition, *&c.* proportionable, ſhall for the firſt three Voyages, which the ſaid Ships ſhall make to any foreign Parts, receive one tenth part of the Cuſtoms called the Subſidy of Tonnage and Poundage, payable for Merchandizes exported and imported in ſuch Ships: But if after the End of the three firſt Voyages, any of the Ships ſo built ſhall be altered or put into another Form of Building, whereby they ſhall become leſs defenſible than they were at firſt; then they ſhall be forfeited and loſt.

By

By 2 *Ann. c.* 9. During the War with *France*, Owners of Ships might navigate with Maſters, and one half of the Mariners *Engliſh*, as if the Maſter and three fourths of the Men had been ſo: Alſo by the 3 & 4 *Ann. c.* 13. any Ships might be navigated by foreign Seamen; and Foreigners ſerving on board any *Engliſh* Ship for two Years, were to be deemed Natural-born Subjects, *&c.*

By the 4 *Geo.* 1. *c.* 12. and 11 *Geo.* 1. *c.* 29. If any Captain, Maſter, Officer, or Mariner belonging to any Ship or Veſſel, ſhall wilfully caſt away, burn, or deſtroy the Ship to which he belongeth, or in any wiſe direct or procure the ſame to be done, with Intent to prejudice a Perſon that ſhall have underwritten any Policy of Inſurance thereon, or any Merchant who ſhall load Goods therein, or any Owner of ſuch Ship or Veſſel, the Perſons offending being lawfully convicted thereof ſhall be adjudged guilty of Felony without Benefit of Clergy.

The 5 *Geo.* 2. *c.* 20. enacts, that no Commander of any Ship outward bound ſhall receive on board any Gunpowder, either as Merchandize, or Store for the Voyage (except for his Majeſty's Service) before ſuch Ship ſhall be at *Blackwall*, in the River *Thames*; and all Maſters of Ships coming into the River ſhall put on Shore all Powder, either before the Arrival of their Ships at the ſaid Place, or within Twenty-four Hours after they come to an Anchor there, upon pain of forfeiting 5*l.* for every fifty Pounds weight of Gunpowder found on board, and in the like Proportion for a leſs Quantity. And no Guns ſhall be kept loaded with Shot in Merchant Ships between *London-Bridge* and *Blackwall*, or fired be-

fore the Riſing or after Setting of the Sun, under the Penalty of 5*l.* and for every Gun ſo fired 10*s.* And if any Pitch, Tar, Roſin, or other combuſtible Matter, ſhall be heated or melted by Fire in any Ships; every Perſon ſo offending ſhall for every Offence forfeit 5*l.* And the Ships are liable to Search, by an elder Brother, appointed by the Maſter, Wardens and Aſſiſtants of *Trinity-Houſe* at *Deptford*.

And in Caſe any Ship ſhall be laid up or moored in the Mouth, or any other Part, of St. *Saviour*'s Dock, (except Ships that ſhall be loading or delivering their Cargoes, and others not exceeding two at one time that ſhall lie at *Shipwright-Yard* at the north-weſt Corner of the ſaid Dock, during the time they ſhall be repairing) the Maſter of every ſuch Ship ſhall forfeit 20*s.* for every day the ſame ſhall continue to be laid up and moored; to be recovered and levied as the other Penalties inflicted by this Act, before two Juſtices of Peace, ſubject to Appeal to the Quarter-Seſſions.

By 6 *Geo.* 2. *c.* 29. Maſters of Ships lying in the River *Thames*, having occaſion for Ballaſt, ſhall pay 12 *d. per* Ton Colliers, other Ships 15 *d.* and foreign Ships 19 *d.* to the Corporation of *Trinity-Houſe* at *Deptford*; who ſhall pay Ballaſt-men 9 *d.* a Ton for raiſing and carrying it, *&c.* And ſuch Ballaſt-men delivering more or leſs Ballaſt than mentioned in Tickets, or without Order, ſhall forfeit 2 *s.* 6 *d. per* Ton. Alſo working in Lighters not marked and allow'd, or Counterfeiting any Gauge-Mark, they ſhall forfeit 10*l.* leviable by two Juſtices of Peace, by Diſtreſs, *&c.* And it ſhall be lawful for any Maſter of a Ship to appoint two Perſons, whereof his Mate to be one,

one, to go on board any Lighter bringing Ballaſt to ſuch Ship, to inſpect the Marks thereof; and every Ballaſt-man ſhall immediately before the Delivery of Ballaſt to any Ship trim ſuch Lighter, ſo as to make the ſame ſwim at equal Marks, at the Stem and Stern, and pump all the Water out, *&c.* And the Maſter, Wardens and Aſſiſtants of *Trinity-Houſe*, are to make good to the Maſter the Quantity or Value of Ballaſt which ſhall be found deficient, on forfeiture of 50*l.* one Moiety to the Poor, and the other to the Perſon ſuing for the ſame.

The 7 *Geo.* 2. *c.* 15. ordains, that no Owners of any Ship ſhall be liable to anſwer any Loſs by reaſon of Imbezilment, by the Maſter or Mariners, of any Goods or Merchandize, which ſhall be ſhipped on Board, or for any Act done by them, without the Privity or Knowledge of ſuch Owners, further than the Value of the Ship, and Amount of the Freight during the Voyage, where ſuch Imbezilment, or other Maleverſation of the Maſter or Mariners, ſhall be committed: And if ſeveral Perſons ſhall ſuffer Damage by the Means aforeſaid, and the Value of the Ship, *&c.* ſhall not be ſufficient to make Compenſation; then the Freighters ſhall receive Satisfaction in Average, in Proportion to their reſpective Loſſes, to be aſcertained on a Bill in Equity exhibited for a Diſcovery thereof, and of the Value of ſuch Ship and Freight, *&c.*

But nothing in this Act ſhall diſcharge any Remedy, which any Perſon may have againſt the Maſter and Mariners, in reſpect of any Imbezilment. *Arreſting and Seizing Ships*, vide Vol. II.

CHAP.

## CHAP. IV.

### *Of Owners and Maſters of Ships.*

OWners of Ships are the Proprietors of the ſame by lawful Title. And a Maſter of a Ship is one appointed by the Owners to have the Government and Charge thereof, being committed to his Care and Management during the Voyage to be performed. Alſo the Perſons that are in a Ship may be thus in Order; the Maſter, the Pilot, the Maſter's Mate, the Ship-Carpenter, the Boatſwain, the Purſer, the Surgeon, the Cook, and the Ship's Boy: All the Reſt are under the Name of Mariners.

In reſpect to Owners of Ships, where there are divers Part-Owners therein, if a Ship be new built, and has never made a Voyage, or is newly bought, by the Law *Marine* ſhe ought to be ſubject to one Voyage upon the common Hazard, before any of the Owners ſhall be permitted to ſeparate and diſcharge their Parts; (but by the Laws of *England* the Owners may, before any ſuch Voyage, convey away or aſſign over their Right.) And if there be ſeveral Owners of a Ship, and they happen to diſagree, the Ship notwithſtanding may make one Voyage, at their common Expence, before any Terms of diſſolving the Partnerſhip ſhall be ſo much as heard; if after that they cannot agree, the Party requeſting to be diſcharged is to make an Offer of his Part to the Reſt at the Price he would either give or take, and he ſhall be allowed to ſeparate; but in Caſe he will not make ſuch an Offer of Sale,

the

the other Owners and Partners may forthwith rig the Ship at their own Charge, and upon the Adventure of the Refuſer, ſo far as his Share doth extend, without any Account to be given unto him of any Part of the Profit at her Return: But they are obliged to bring the Ship Home ſafe, or to anſwer him the Value of his Part. *Lex Mercat.* 120, 121.

And where the part Owners of a Ship, who have the greateſt Share or Part thereof, refuſe to continue the Partnerſhip, with one who hath but one Part, or a ſmall Share in the Ship, who cannot without Prejudice ſell his Part at a Price ſet, nor has Subſtance to buy the Parts of the Reſt; in ſuch Caſe all the Partners are bound to put the Ship to an Appraiſement, and either ſo to diſpoſe of her by Sale, or to ſet her forth on a Voyage accordingly: And if for want of Buyers in that Place, the poor Partner cannot avoid the Oppreſſion of the Richer, then may the Judge of the Admiralty, or the Ordinary Judge, ſentence and decree the ſame. If the major Part of a Ship's Owners and Partners proteſt againſt a Voyage, and there is but one left that is for it; yet the ſame may be effected by that Party, eſpecially if there be an Equality in Partnerſhip. *Lex Mercat.* 121. *Jure Marit.* 192.

There were ſeveral part Owners of a Ship, and the major Part of them agreed to ſend her in a Voyage to Sea, but the Reſt diſagreed; whereupon the greater Number, (according to the common Uſage in ſuch Caſes) ſuggeſt the Diſagreement of the other Partners, and then order certain Perſons to appraiſe the Ship, who thereupon ſet the Value thereon; which being done, the major Part who agreed to the Voyage, enter into a Re-

a Recognizance, wherein they bind themſelves jointly and ſeverally to the diſagreeing Parties in a Sum proportionable to their Shares, according to the Value ſet by the Appraiſers, *&c.* to ſecure ſuch their Shares in the Ship againſt all Adventures: It was here ſaid, that this Courſe had been allow'd and practiſed in the Admiralty Court many Years, in all Caſes, where the leſſer Number of Partners diſſent to a Voyage propoſed by the major Part, and that the Legality of ſuch Proceeding was never yet doubted; and great Inconvenience would enſue to Traders, if there was no Means for the major Part of the Owners to redreſs themſelves as to their own Shares, againſt the Obſtinacy of a leſſer Number that diſagree, for thereby the Ship would lie idle, and be of no Uſe, when ſhe ſhould be in a Voyage for the Benefit of Trade. *Carthew's Rep.* 26, 27.

But Chief Juſtice *Holt* held in this Caſe, which was ruled contrary for a Prohibition, that the Majority of the Partners were not without a proper Remedy at Law; and that an Action againſt the leſſer Number might be framed upon the ſpecial Matter, ſetting forth, that whereas by the Law and Cuſtom of this Realm, if ſeveral Partners be of a Ship, and the major Part agree to ſend her on a certain Voyage, *&c.* and the leſſer Number diſſent, that the Agreement of the greater Number ſhall bind the others; and ſo bring the particular Caſe within this Cuſtom, by ſhewing the Partnerſhip and the Agreement of the greater Number the Plaintiffs, and the Diſagreement of the Defendants the leſſer Number, *&c.* by which the Profits of the Voyage for that Time were loſt, *&c. Carth.* 27. See 1 *Show.* 13.

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If a Man gets Poſſeſſion of a Ship, having no Title to the ſame, by the Marine Law he ſhall anſwer ſuch Damage to the rightful Owners, as the Ship in all Probability might have earned; and the Reaſon of that is, becauſe the only End of Shipping is the Imployment thereof. A Ship commits Piracy, by Reaſon of which ſhe is forfeited; if before Seizure ſhe be *bona fide* ſold, the Property ſhall not be queſtioned, nor the Owners deveſted of the ſame: And where a Ship is freighted out, and accordingly receives in her Lading purſuant to Agreement, if afterwards any Embargo happens, and the Lading is taken as forfeited, the Owners ſhall notwithſtanding receive Freight, for here is no Fault in them, but only in the Merchant. 2 *Roll. Abr.* 530.

With reſpect to Repairs of Ships, where there is Cauſe for it in a Voyage, the Maſter may take up Money to do it; and tho' he ſpend it another way, the Owners and Ship become liable to the Satisfaction of the Creditor; for as it would be very unreaſonable, that ſuch Creditor ſhould be bound to take upon him the Care of repairing the Ship, and ſupply the Owners Room, which muſt be ſo if it be neceſſary for him to prove that the Money was laid out upon the ſame Ship; ſo on the other hand it ſtands with Reaſon, that he be ſure he lends his Money on ſuch an Occaſion, as thereby the Maſter's Fact may oblige the Owners, where he knows that the Money borrowed was neceſſary for the Repair of the Ship; and therefore if a Ship want ſome Reparation, and a far greater Sum is lent than was needful, the Owners ſhall not be liable for the whole. *Hob. Rep.* 10, 11.

If any Ship be taken away from the Owners, they may maintain an Action of Trover and Converſion for any Part or Share. But in a Caſe, where one had the ſixteenth Part of a Ship in common with the Defendant, he to defraud him of his Part diſpoſed of the Whole, and ſent the Ship to *India* without his Aſſent; it was held, that the Action did not lie, for tho' it be a Deception, they being here Tenants in common of the Ship, there can be no Fraud between them; and by the Law each has Power to diſpoſe of the whole. 1 *Lev.* 29. *Raym.* 15. Tho' it is mentioned in *Noy's Reports*, that a Tenant in common may bring an Action of Treſpaſs againſt his Companion; becauſe he deſtroys the ſame Thing granted them in their Tenancy. *Noy* 14.

In the Main Sea, or an Arm of the Sea, the Owners may not loſe their Ship by any Claim of *Deodand*, to be forfeited to the King or Lord of the Manor, tho' any body be drowned out of it, or otherwiſe receive their Deaths; becauſe on ſuch Waters Ships are by Winds and Tempeſts unavoidably ſubject to Dangers: But a Ship or Veſſel being upon a freſh River, as at *Rotherith* on the *Thames*, &c. where there are no ſuch Hazards, may become *Deodand* and forfeited in ſuch Caſe. 3 *Inſt.* 58. *Mich.* 29 *Car. B. R.*

Where a Ship is ſold, together with her Tackle, Furniture, Apparel and Appurtenances; by theſe Words, the Ship's Boat is not conveyed, but that remains ſtill the Owner's: And Ballaſt is no Part of a Ship's Furniture. 1 *Roll.* 530. *Jure Marit.* 194.

*A* Bill

*A* Bill of Sale *of a Ship is made in this Form:*

To all People to whom theſe Preſents ſhall come, I *A. B.* of, *&c.* ſend Greeting: Know ye that I the ſaid *A. B.* for and in Conſideration of the Sum of 200*l.* of lawful Money of *Great Britain*, to me in Hand paid by *C. D.* of, *&c.* the Receipt whereof I do hereby acknowledge, have granted, bargained and ſold, and by theſe Preſents do grant, bargain and ſell unto the ſaid *C. D.* one full eighth Part of the Ship called, *&c.* of the Burthen of three Hundred Tuns or thereabouts, and whereof one *E. F.* is at preſent Maſter, now riding at Anchor on the River *Thames* in the Port of *London*, together with one full eighth Part of all the Maſts, Sails, Sail-Yards, Anchors, Cables, Ropes, Cords, Boats, Oars, Pieces of Ordnance, Guns, Gunpowder, Shot, Tackle, Apparel, Ammunition and Furniture to the ſaid Ship belonging or appertaining: To have and to hold the ſaid eighth Part of the ſaid Ship, and all other the Premiſes hereby granted, bargained and ſold, with the Appurtenances, unto the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, as his and their own proper Goods, and to his and their own proper Uſe and Uſes for ever. And I the ſaid *A. B.* do for my ſelf, my Heirs, Executors and Adminiſtrators, covenant and grant to and with the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, that I the ſaid *A. B.* at the Time of the Sealing and Delivery of theſe Preſents, am the true and lawful Owner and Proprietor of the ſaid eighth Part of the ſaid Ship and Premiſes hereby granted, with the Appurtenances, and have full Power and lawful Authority

rity to grant and convey the ſaid eighth Part of the ſaid Ship and Premiſes hereby mentioned to be granted, with the Appurtenances, unto the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, in Manner and Form aforeſaid. And that it ſhall and may be lawful to and for the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, from Time to Time, and all Times hereafter, peaceably and quietly to have, hold and enjoy, the ſaid eighth Part of the ſaid Ship, and all other the Premiſes hereby granted, with the Appurtenances, without any Diſturbance, Moleſtation, or Interruption of me the ſaid *A. B.* my Executors, Adminiſtrators or Aſſigns, or of any other Perſon or Perſons whatſoever, lawfully claiming, or to claim from, by or under me, them or any of us. *In Witueſs*, &c.

The *Maſter* of a Ship or Veſſel is to be choſen by the part Owners in Proportion to their Concerns, not by the Majority; and that Man which is moſt able is to be preferred. As the whole Charge of the Veſſel and Lading are committed to the Maſter, the Owners ſhould be very careful who they admit to be Commander of their Ship; and he ought to be a Perſon of Honeſty, as well as Ability and Experience.

The Law looks upon a Maſter as an Officer, who muſt give an Account for whatever he has under his Care and Cuſtody, and on Failure render Satisfaction; therefore if any Misfortune happens by the Negligence, Wilfulneſs, or Ignorance of himſelf or his Mariners, he muſt be anſwerable for it. As ſoon as Goods and Merchandize are put aboard the Ship, whether ſhe be riding in Port, Haven, or any other Part of the Seas, he that

that is Maſter, or *Exercitor Navis*, is chargeable therewith; and if the ſame be there loſt or purloined, or ſuſtain any Damage, either in the Haven or Port before, or upon the Seas after ſhe is in her Voyage, he muſt anſwer the Damage; for the very Lading of the Goods on Board the Ship doth ſubject the Maſter to anſwer the ſame. *Hob. Rep.* 11. *Jure Marit.* 197.

A Merchant ſent Goods aboard a Ship, and the Maſter having ſigned his Bills of Lading for the ſame, the Goods were ſtowed; but in the night divers Perſons, under Pretence that they were Preſs-Maſters, entered the Ship and robbed her of thoſe Goods and Merchandize; and in an Action brought by the Merchant againſt the Maſter of the Ship, it was made a Queſtion, whether he ſhould anſwer for it? And it was alledged on his Part, that there was no Default or Negligence in him; for he had a ſufficient Guard, the Goods were all lockt up under Hatches, and that the Thieves came on the Pretence aforeſaid and robb'd the Ship, and he could not have prevented the ſame: But it was notwithſtanding adjudged, that as Maſter he muſt at his Peril ſee that all Things are forthcoming that were delivered to him, let what Accident will happen, (the Act of God, or an Enemy only excepted) and for Fire, Thieves and the like, he is obliged to anſwer, and is in the Nature of a common Carrier; tho' it is at the Merchant's Election to charge either the Maſter, or the Owners, or both at his Pleaſure, but he can have but one Satisfaction. *Hill.* 23 *Car.* 2. *B. R.* 2 *Lev.* 69. But ſee 1 *Mod.* 85.

The Maſter is ſubject to anſwer Damage in all ſuch Caſes where the Lading was brought aboard

either by his Conſent or his Purſer's; but all ſuch Goods as ſhall be ſecretly brought without being entered in the Clerk's or Purſer's Book, or in the Bills of Lading, the Maſter ſhall not be compelled to ſee forth-coming; unleſs they be ſuch Things as the Parties bring into the Ship about them, as Clothes, Money, or the like, which being ſeldom entred, yet moſt commonly are viſible, and the Maſter by Law is reſponſible for them. So likewiſe if a Maſter forewarn a Paſſenger to keep his Goods, and he will not take care of them, if they be loſt or purloined by the Ship's Crew, the Maſter ſhall not be obliged to ſee them forth-coming; here the Maſter is not held anſwerable in Caſe of a Loſs, eſpecially if there be any Thing of an Agreement concerning them. *Jure Marit.* 215, 216.

But if Goods ſhall be ſent aboard a Ship, and the Maſter ſhall appoint a Cabin for the ſame, and deliver the Key thereof to the Shipper, and tell him he will not be anſwerable if a Loſs happens; yet if the Goods are ſtole, he muſt make Satisfaction. And if a Maſter ſhall receive Goods at any Key, or ſend his Boat for them, and they happen to be loſt, he ſhall likewiſe anſwer both by the Maritime and Common Law. *Moor's Rep. Trin.* 25 *Eliz. Jure Marit.* 216, 198.

If a Maſter commits any Offence wilfully, or thro' Negligence, he ſhall be anſwerable to his Owners, who may compel him to make Satisfaction for the Damage; and in ſuch Caſe they may ſue ſeparately: So alſo if the Ship hath earned Freight, and Part of the Owners have received their Parts, and the Reſt have not, they may bring an Action for their Share, without joining with the others. *Hill.* 26 & 27 *Car.* 2.

And when Goods are tranſported for Hire, and no Contract is made with the Proprietors of the Ship, there the Maſter is chargeable for the Goods in reſpect of his Wages; and the Owners are ſo in reſpect of their Freight, that they receive for the Carriage thereof. *Per Holt* Chief Juſtice.

It is ſaid that where Goods are once delivered to a Maſter, the Cargo is not ſubject to be attached in his Hands; for they are in Law as it were bailed to the Ship, until the Freight and all other Charges are paid. And it has been held, that as the Maſter or Owners of a Ship may have an Action for the Freight; either the one or the other are anſwerable where Goods are damaged in a Ship: But in Caſe there are ſeveral Owners, and one diſſents from the Voyage, he ſhall not be liable to any Action afterwards for a Miſcarriage, *&c. Comberb. Rep.* 116.

If Goods are ſo imbezled or damnified, that the Seamen or Mariners muſt anſwer; here the Owners and Maſter are to deduct the Amount of the Damage out of their Freight to the Merchants, and the Maſter ſhall do it out of the Wages of the Mariners: For tho' Freight is the Mother of Wages, it is alſo the very Father of Damage; and before a Mariner can claim his Wages out of what the Ship hath earned, the Ship muſt be acquitted from the Damage that the Merchant hath ſuſtained by the Negligence or Fault of the Mariners: And the Reaſon is, for that the Goods being obliged to anſwer the Freight; ſo the Freight and Ship are tacitly engaged to clear the Damage; and when that is done, the Mariners ſhall then be let into their Wages. *Jure Marit.* 212.

The Law doth impute the Offences and Faults committed by Mariners, or if done by Paſſengers aboard the Ship or others, to be the Negligence of the Maſter, to make him liable; and were it otherwiſe, the Merchant would be in a very dangerous Condition: And further Reaſons why he ought to be anſwerable for his Men, are becauſe the Mariners are of his own chuſing, and under his Correction and Government, and know no other Superior on Ship-board but himſelf; and if they are Faulty, he may correct and puniſh them, and likewiſe if the Fact is apparently proved againſt them, may reimburſe himſelf out of their Wages due. *Paſch.* 11 *Jac. B. R.* 1. 2 *Roll. Abr.* 530.

A Maſter of a Ship hath Power to freight out the Veſſel, take in Goods and Paſſengers, mend and furniſh the Ship; and for that purpoſe, if need be in a ſtrange Country, he may borrow Money with Advice of his Mariners, upon ſome of the Tackle, or ſell ſome of the Merchandize: And if Part of the Goods ſhall be ſold in ſuch Neceſſity, the higheſt Price that the Remainder are diſpoſed of for muſt be anſwered and paid to the Merchant, after which ſuch Merchant is to pay for the Freight of thoſe Goods, as well as for the remaining Merchandize; but if the Ship in the Voyage happens to be caſt away, then only the Price ſhall be tendered that the Goods ſo ſold were firſt bought for. *Leg. Oleron* 1.

Such is the Duty of a Maſter of a Ship that is provident, that he ought not to make ſail and put forth to Sea, without the Conſent of his Company; if he doth, he ſhall anſwer the Damages ariſing thereby. And he is not to ſet ſail without a ſufficient Number of able Mariners;

ners; nor in tempeſtuous Weather; neither muſt he ſtay in Port or Harbour without juſt Cauſe, when a fair Wind invites his Departure: Alſo he muſt not proceed in his Voyage with inſufficient Rigging or Tackle; or with other or fewer Cables than is uſual and requiſite, reſpect being had to the Burthen of the Veſſel; and if any Damage happens by the Delivery of the Goods into the Lighter, as that the Ropes break and the like, there he muſt anſwer; but if the Lighter comes to the Wharf, and then in taking up the Goods a Rope breaks, the Wharfinger is liable. *Leg. Oleron* 2. *Co. Entr.* 3.

If a Commander of a Ship ſhall break ground or endeavour to ſail away, after an Embargo is laid upon Shipping by the State, he ſhall be anſwerable for all Damage which ſhall accrue: The Reaſon is, becauſe his Freight is due, and muſt be paid, tho' his Goods be ſeized. He ought not to refuſe Payment of the juſt and ordinary Duties and Port Charges to the Hazard of any of his Lading; but if the Officers inſiſt upon more than is due, and he offers what is juſt, and what he ought to pay, then he ſhall be excuſed: If by the Maſter's Default Confiſcation of Goods or other Damage happen, for Non-payment of Cuſtoms, or falſe Bills of Entry in the Cuſtom-Houſe, or for tranſporting of unlawful Merchandize, the Maſter ſhall anſwer for the ſame, with the Intereſt. But concerning the Suing for ſuch Goods, the Maſter may well do it; and notwithſtanding, if it be found that the Merchant is in any Fault, then if the Maſter and four of his Mariners ſwear that there was no Fault in them, he will be cleared thereby. *Leg. Oleron. Jure Marit.* 198. *Lex Mercat.* 103.

The Maſter of a Ship, taking Linen or Cloths aboard, ſhall provide good Canvas, leſt the Goods be damaged; he muſt not over-lade the Ship above the Birth-Mark; or take into his Ship any Perſons of an obſcure and unknown Condition, without Letters of ſafe Conduct: Nor ought he to lade any of his Merchant's Goods on board the Ship of an Enemy (tho' his own Ship be in Diſtreſs) without ſuch Letters of ſafe Conduct; for if he does, the ſame may be made Prize, and he muſt make good the Damage. And he muſt not lade any prohibited Goods; in which Caſe he is not only anſwerable, but alſo for any Damage happening by any unreaſonable Stowing or Breaking of Goods, and therein he and his Company may be put to their Oath. He ought not to ſhip any Merchandizes, but only at the publick Ports and Keys; and he may not make Uſe of any unlawful Colours, Enſigns, Pendents, Jacks, or Flags, whereby his Ship or Lading would be ſubject to Seizure. 18 *H.* 6. 19 *Eliz. c.* 9. 12 *Car.* 2. *c.* 18. 26 *Car.* 2.

He may not deviate in his Courſe without good Cauſe, or ſteer a dangerous and unuſual Way, when he can have a more ſecure Paſſage; (tho' to avoid illegal Impoſitions, it is ſaid he may ſomewhat change his Courſe) nor may he ſail by Places infeſted with Pirates, Enemies, *&c.* or notoriouſly known to be unſafe; or near Rocks, or remarkable Sands, if he be not thereto neceſſitated by Violence of Wind and Weather, or deluded by falſe Lights. He ſhall not ſneak into the Creeks, or other Places, when laden Homewards, but come directly into the King's great Ports, (unleſs he be driven in by Tempeſt)

Tempeſt) for in ſuch Caſe he would incur a Forfeiture of the Merchandize, and is obliged to anſwer. *Jure Marit.* 200. 4 *H.* 4. *c.* 20. If ſeveral Ships are in Company on the ſame Voyage, the Maſters are obliged, by the Marine Laws, to ſtay for one another; or ſhall be liable to the Damages that the others ſhall ſuſtain from an Enemy, or Pirates. *Sea Laws* 198.

A Maſter is to deliver to the Owners the Names of all the Perſons which he is to tranſport, and of his Mariners before he departs the Kingdom; and at his Return ſhall cauſe a true Inventory of the Goods of any Perſon which ſhall happen to die, to be delivered to them, that his Kindred and Friends may have Intelligence of it, and the Goods may be ſafe and forth-coming for one whole Year: But of theſe Goods in the mean time the Bedding and Appurtenances may be taken by the Maſter and Mate to their Uſes; as alſo the Cloathing and other Things upon the Deceaſed's Body may be delivered to the Boats-man and the Company. The Maſter ſhall keep his Company in Peace; and if any Seaman ſhall be hurt in doing Service, he muſt take Care that he be healed; and if done by his Companion, the Charges ſhall be recovered of the other Mariner: In caſe a Mariner falls Sick, the Maſter ſhall order him to be laid in a Houſe, with all Suſtentation neceſſary and uſual in the Ship; but ſhall not ſtay until he recovers; and when he is recovered to Health, muſt pay him his Wages, or if he dies ſhall give it to the Wife, or his neareſt Friends. *Lex Mercat.* 103.

If Mariners want Money during the Voyage, the Maſter ought to lend it them; but he ſhall

not be anſwerable for the Contracts of his Men, for in ſuch Caſe they may be detained: He ought to give his Mariners Fleſh three Days a Week, and the other Days Fiſh or ſuch like Victuals, with ſufficient Drink. If thro' the Maſter's Fault the Ship-boat periſh, with any Mariners in it, then ſhall the Maſter pay one whole Year's hire to the Heirs or Executors of the Perſons drowned. *Lex Mercat. ibid.*

On a Ship's Arrival ſafe in Port, a Maſter is firſt to ſee that the Ship be well moor'd and anchored; and then he muſt not relade or ſet ſail again until he hath been legally cleared, ſo as to have made Satisfaction for Damage, if any happened by Default of him or his Men, *&c.* And when any Maſter of a Ship ſhall arrive at *Graveſend*, he ſhall not be above three Days coming up the River to *London*; nor ſhall he touch at any Key or Wharf 'till he comes to *Cheſter*'s Key; and he or his Purſer are there to make Oath of the Burthen, Contents, and Lading of the Ship, to the beſt of their Knowledge; alſo where ſhe took in her Lading, in what Country built, and how manned; who was Maſter during the Voyage, and who the Owners. *Stat.* 12 *Car.* 2. *c.* 18.

Nor ſhall the Maſter lade on board any Goods outwards to any Place whatſoever, without entering at the Cuſtom-Houſe the Name of the Ship and of her Maſter, the Burthen, Guns, Ammunition, and to what Place bound; and before he ſets out ſhall bring in a Note under his Hand of the Names of every Merchant that ſhall have laid aboard any Goods, with the Marks and Numbers of all ſuch Goods, and be ſworn as to the ſame, under the Penalty of 100*l.* by the

14 *Car.* 2. *c.* 11. And if any Goods are landed on the coming of a Ship into Port, for which Duties are to be paid, without Entry made, and the Cuſtoms agreed, they may be ſeized, and a Door broke open for that Purpoſe, *&c.* 12 *Car.* 2. Vide *Cuſtoms.*

By late *Statutes*, If any Maſter of a Merchant Ship or Veſſel ſhall, during his being abroad, force any Man aſhore, or wilfully leave him behind, or refuſe to bring all his Men home again who are in a Condition to return, he ſhall ſuffer three Months Impriſonment. *Stat.* 11 *&* 12 *W.* 3. *c.* 7. But no Maſter of a Ship ſhall bring into this Kingdom, from *Ireland*, *Jerſey*, &c. or the Plantations, any vagrant Rogue, on pain of forfeiting 5*l.* And Maſters of Ships bound for *Ireland*, &c. ſhall, upon a Warrant to them directed by a Juſtice of Peace, tranſport Vagrants at the Rates ſet at the Quarter-Seſſions, under the like Penalty. 12 *Ann. c.* 23.

Maſters of Ships are to take poor Apprentices, ſuch Boys as are thirteen Years old, whoſe Parents are chargeable to the Pariſh; they muſt be bound with the Conſent of two Juſtices, *&c.* to ſerve till they are Twenty-one Years of Age; and the Church-wardens and Overſeers of Pariſhes ſhall pay the Maſter when ſuch Boy is bound Apprentice, 2*l.* 10*s.* for Cloathing and Bedding, to be allowed him on their Account; and ſhall ſend the Indenture to the Collector of the Cuſtoms of the Port to which the Maſter ſhall belong, who ſhall regiſter it, *&c.* A Maſter of a Ship, from thirty to fifty Tons, ſhall take one ſuch Apprentice, one more for the next fifty Tons, where the Ship is larger, and one more for every hundred Ton above the firſt hundred;

dred; and refuſing ſuch Apprentices is liable to a Penalty. Poor Boys bound to other Employments may be turned over to any Maſter of a Ship; and the Widows and Executors, *&c.* of ſuch Maſters have Power to aſſign ſuch an Apprentice to any other Maſter of a Ship. 2 *Ann. c.* 6. 4 *&* 5 *Ann. c.* 19.

Every Seaman ſerving on board any Ship, and Perſon employed upon the Coaſts of *Great Britain* or *Ireland* in the taking of Fiſh which are brought freſh to Shore, and in Boats that trade from Place to Place, or in open Boats upon the Coaſts, ſhall pay 6 *d. per* Month, for the better Support of *Greenwich Hoſpital:* And the Maſter of every Ship or Veſſel is to detain the ſame out of the Mariners Wages, and pay it to the Perſon who ſhall be appointed by the Admiralty to receive it; and is to give an Account upon Oath, on pain of 10 *l.* But Maſters and Servants of Hoys, Smacks, or other Veſſels belonging to *London*, and employed in bringing Corn, Fiſh, or other Proviſions, ſhall not be liable to this Duty. 10 *Ann. c.* 17.

By the 8 *Geo.* 2. *c.* 29. it is enacted, that in Caſe any Seaman on board any Merchant Ship belonging to the Subjects of his Majeſty ſhall be maimed in Fight againſt any Enemy, ſuch Seaman ſhall be admitted into the Royal Hoſpital at *Greenwich*, as any other Seaman wounded in the Service of his Majeſty. See *Navigation* and *Shipping*, alſo *Hypothecations*, &c.

CHAP.

# CHAP. V.

## *Of Mariners and Seamen.*

A Mariner or Seaman is one under the Command of the Maſter of a Ship, that is hired to work therein and do all common Buſineſs for the Sailing, Guiding and Preſervation of the Ship. The Ship's Crew are called Mariners, and owe all Obedience to the Maſter; who hath the ſupreme Rule on Shipboard, and therefore his Authority is much countenanced by Law.

If a Mariner rebels or commits a Fault, and the Maſter lifts up the Towel three Times before him, and he do not ſubmit, the Maſter at the next Place of Land may diſcharge him: And if he refuſes to go aſhore, he ſhall loſe Half his Wages and all his Goods in the Ship; but if the Mariner ſubmits, he is to receive his whole Wages. And a Maſter of a Ship may juſtify the giving moderate and due Correction to his Men: But if a Mariner aſſaults the Maſter on Shipboard, he ſhall pay five *Sols*, or loſe his Hand; yet it is ſaid he may after one Stroke defend himſelf. *Leg. Oleron, c.* 14. By the ancient *Rhodian* Laws, the Maſters, Mariners, *&c.* that ſailed together were to take an Oath of Fidelity, or mutual Engagement. *Sea Laws* 83.

Mariners are not to depart from on Shipboard when they are in full pay, (which is always when they break ground) without the Maſter's Licence for ſo doing; and they may in no caſe quit the Ship without leaving a ſufficient Number to guard her: And they muſt aſſiſt one another both

at

at Sea and in Port, or upon the Oath of their Fellows of any Refuſal ſhall loſe their Wages: If Mariners in a ſtrange Port leave the Ship, not having the Licence of the Maſter, or without faſtning her with four Ropes, the Loſs, if any happen, falls upon them; they are alſo to attend the Ship until ſhe be diſcharged, and ballaſted anew; and if any Mariner during the time of her Diſcharge or Lading labours not with the Reſt of the Company, but abſents himſelf, he ſhall pay a Fine to the others *pro rata:* And the Mariners are not only to diſcharge and deliver Goods out of the Ship, but likewiſe if no Porters or Carriers be in thoſe Parts, they muſt carry the ſame themſelves for ſuch Hire as other Workmen ſhould have had for it. *Lex Mercat.* 104, 105.

In a ſtrange Country, one half of the Seamen at leaſt ought to remain on Ship-board; and thoſe who go on Land are to keep Sobriety and abſtain from ſuſpected Places, and not abſent on pain of being puniſhed like unto him who abſents when the Ship is ready to ſail. If it happens otherwiſe than well with the Maſter, the Mariners are obliged to bring the Ship to the Port from whence ſhe was freighted, without any Delay, except it be otherwiſe provided: And a Mariner ſhall forfeit his Wages, if the Ship break in any Part, and he doth not help with all his Diligence to ſave the Goods on board. *Ibid.*

Where a Mariner is hired, and he deſerts the Service before the Voyage is ended, by the Law Marine and the Common Law he ſhall loſe his Wages: And it has been adjudg'd, that if the Ship do not return, but periſhes at Sea, either by Tempeſt, Enemies, Fire, *&c.* the Mariners ſhall not have their Wages; for if they were allow'd

low'd to have Wages in these Cases, it is presumed their best Endeavours would be wanting to preserve the Ship; and the Mariners shall lose their Wages, as well as the Owners their Freight. If the Ship unlade any Part of the Cargo, the Mariners shall have their Wages; but if after they have unladen the Vessel at any Port abroad they demand the same, with an Intention of leaving the Ship, the Master may detain a reasonable Proportion thereof as his Security, till they have brought back the Ship. *Leg. Oleron, c.* 18. 1 *Siderf. Rep.* 179. 1 *Keb.* 830. It was held by *Holt* Chief Justice, that if a Ship is lost before she arrives at any Port of Delivery, the Seamen lose all their Wages; if she be lost after she comes to a Port of Delivery, then they only lose their Wages from the last Port of Delivery; but in case they run away, tho' after they come to any Port of Delivery, they lose all their Wages. *Hill.* 13 *W.* 3. 3 *Salk. Rep.* 23.

A Mariner being hir'd for a simple Mariner, if afterwards in the Voyage he finds hiring to be a Pilot, or other Officer of a Ship, by the Law Marine he may pass over, restoring his former Hire; and so it is if he marry abroad: But if a Mariner shall depart the Ship at the Master's Command, and the Master do not take another, if any Damage happens to the Ship or Goods the Master must answer. Mariners may not carry out of the Ship any Drink, nor above one Meal of Meat; and if they imbezil the Goods on board, *&c.* they are accountable to the Master, the Master to the Owners, and the Owners to the Merchant or Freighter. Tho' in case of a Storm, if Goods are cast over-board for lightning the Ship, the Mariners making oath that it

was

was done for preſerving the Veſſel ſhall diſcharge the Maſter: So if Goods or Merchandize in ſuch caſe receive Damage at Sea, by the Oath of the Maſter and Mariners they may be clear'd. *Leg. Oleron, c.* 7, 14.

If a Mariner ſhall commit any Fault by reaſon of which the Maſter, Owners or the Ship anſwers Damage to the Merchant, an Action well lies againſt him. But when a Mariner is on Ship-board, he ought not to be arreſted by any one for Debt, nor be taken away from thence; for the Ship is compared to a Man's Dwelling-houſe, which is as his Caſtle and a ſure Refuge by Law; unleſs it be for a ſworn Debt, or Penalty to the King, *&c.* The Wages and Goods of ſuch Mariner ſhall in theſe caſes be liable; and if a Mariner takes up Money or buys Clothes on Credit, and the ſame is enter'd in the Purſer's Book, this will entitle the Purſer to a Diſcount of ſo much of his Wages, as the ſame amounts unto. *Jure Marit.* 212. *Lex Mercat.* 105.

In caſe a Ship happens to be ſeized for Debt, or otherwiſe become forfeited, the Mariners ſhall receive their Wages; except thro' any Act of theirs there be a Forfeiture of all: If the Ship be laden with prohibited Goods, as Wool, and the like, tho' it ſubjects the Veſſel to Forfeiture, yet it deprives not the Mariners who have faithfully performed their Part of their Hire, for which the Ship is obliged. *Trin.* 7 *Jac. B. R.* A Mariner may either keep his Portage or Allowance of Goods in his Hands, or let the ſame out to freight; by the Laws of *Oleron. Lex Mercat.* 104.

The Act 2 *Geo.* 2. *c.* 36. For better *Regulation of Seamen* in Merchants Service, has ordained that no

no Maſter or Commander of any Ship or Veſſel ſhall carry any Seaman or Mariner, except his Apprentices, to Sea, without firſt coming to an Agreement or Contract for their Wages, which Agreement ſhall be in Writing ſigned by the Maſter and Mariners, on pain of forfeiting 5 *l.* to the Uſe of *Greenwich* Hoſpital, to be recovered by Information upon the Oath of one or more Witneſſes, before a Juſtice of Peace, *&c.* And if any Seaman or Mariner ſhall deſert, or refuſe to proceed in the Voyage on board any Veſſel after he has ſigned ſuch Contract, he ſhall forfeit to the Owners of the Ship the Wages due to him at the time of his deſerting or refuſing as aforeſaid: And in caſe he deſerts from any ſuch Ship, wherein he hath ſo contracted to ſerve, any Juſtice of the Peace may iſſue his Warrant to apprehend ſuch Seaman; and on his Refuſal to proceed on the Voyage the Juſtice may commit him to the Houſe of Correction, to be kept to hard Labour not exceeding thirty Days, nor leſs than fourteen.

And by the ſame Statute, if any Seaman ſhall abſent himſelf from the Veſſel to which he belongs, without Leave of the Maſter or other chief Officer having the Charge of ſuch Ship, he ſhall for every Day's Abſence forfeit two Days pay for the Uſe of *Greenwich* Hoſpital; and if he ſhall leave the Veſſel to which he belongs before he hath a Diſcharge in Writing from the Maſter, he ſhall forfeit one Month's pay to the Uſes aforeſaid: And the Maſters or Owners of Ships are empowered to deduct out of the Wages of any Seaman the Penalties and Forfeitures incurred by this Act; and thoſe Penalties which are to be applied to the Uſe of *Greenwich* Hoſpital

ſhall

ſhall be paid by the Maſters of Ships to the Officer at any Port who collects the 6*d.* *per* Month deducted out of Seamen's Wages for the Uſe of the ſaid Hoſpital; and neglecting to do it within three Months, they ſhall forfeit treble Value. *Ibid.*

Alſo, by the ſaid Act, on the Arriving of any Ship in *Great Britain*, from Parts beyond the Seas, the Maſter ſhall be obliged to pay his Seamen their Wages within thirty Days, if demanded, (except the Contract for ſerving be to the contrary) or at the time the Seamen ſhall be diſcharged, which ſhall firſt happen, deducting thereout the Penalties and Forfeitures; and not paying the ſame ſhall be liable to a Penalty of 20*s.* over and above the Wages due to each Seaman, to be recovered by the ſame Ways as the ſaid Wages are recoverable; and no Seaman or Mariner ſhall fail in any Suit for Recovery of his Wages, for want of producing the Contract with the Maſter, on whom it lies to produce the ſame if neceſſary.

This Act ſhall not extend to debar any Mariner or Seaman, belonging to any Merchant Ship or Veſſel, from entering into his Majeſty's Service on board any of his Ships; nor ſhall ſuch Seaman or Mariner, for his Entry therein, forfeit the Wages due to him during the time of his Service in ſuch Merchant Ship or Veſſel; nor ſhall ſuch Entry be judged a Deſertion from the Ship. *Stat.* 2 *Geo.* 2.

By the Statute of 1 *Geo.* 2. *Seſſ.* 2. *c.* 14. for encouraging Seamen voluntarily to enter into the King's Service, *&c.* The Governors, Miniſters and Conſuls in foreign Parts, or where none ſuch are reſident, any two or more *Britiſh* Merchants there reſiding, are authorized and required

to

to provide for all Seamen, Subjects of *Great Britain*, that ſhall by Shipwreck or other unavoidable Accident be driven or caſt away in ſuch foreign Parts or Places; and ſhall ſubſiſt them by an Allowance after the Rate of 6*d.* *per Diem* each, *&c.* and put them on board the firſt Ship of War arriving there in convenient time, or they may be ſent by any Merchant Ships wanting Men, or others bound for any Port in *Great Britain.*

And Maſters of Ships abroad ſhall take on board four Men for each hundred Tons of which their Veſſels conſiſt, and receive from the Commiſſioners of the Navy 6*d.* a Day, for the Paſſage and Proviſion of every Seaman, from the Day of their Imbarkation homewards; on producing a Certificate of the Men's being taken on board, and the time when, *&c.*

By the *Stat.* 1 *Geo.* 2. *c.* 36. No Maſter of a Ship to employ Seamen without Contract in Writing on pain of 5*l.* and deſerting afterwards they may be apprehended by Juſtice's Warrant, and committed to the Houſe of Correction, *&c.* If any Seaman deſert on the Voyage he ſhall loſe his Wages; abſenting without Leave, to forfeit for every Day two Day's Pay; and if he quits the Ship before diſcharged, he incurs the Forfeiture of one Month's Pay to the Uſe of *Greenwich* Hoſpital: On the Arrival of Ships Maſters to pay the Seamen their Wages in thirty Days, under a certain Penalty, *&c.* Seamen belonging to a Merchant Ship not debarred from entering into the King's Service.

By the Acts 9 *Geo.* 2. *c.* 25. and 10 *Geo.* 2. *c.* 14. A ſmall Sum of ſo much *per* Ton is to be paid by all Maſters of Veſſels, *&c.* trading from any Part of his Majeſty's Dominions to *Cadiz*,

and Port *St. Mary*'s in *Spain*, or to the Port of *Leghorn*, to Perſons appointed by the Conſuls and a Majority of *Britiſh* Merchants there; and ſuch Maſters paying it ſhall be reimburſed by their Freighters, or the Perſons to whom the Goods are conſigned, *&c.* and the Money to be applied for relieving Seamen Shipwreck'd, or taken in War, and other Perſons being *Engliſh* Subjects in Diſtreſs in the ſaid Ports.

By *Stat.* 13 *Geo.* 2. *c.* 17. Perſons of fifty-five and under eighteen Years of Age, Foreigners in Merchants Ships or Privateers, are exempted from being preſſed; alſo all Perſons for two Years from their firſt uſing the Sea, and Apprentices for three Years.

By *Stat.* 20 *Geo.* 2. *c.* 38. A Corporation is created by the Name of the Preſident and Governors, for the Relief and Support of ſick, maimed and diſabled Seamen, and of the Widows and Children of ſuch as ſhall be killed, ſlain, or drowned in the Merchants Service, who may purchaſe Lands for building an Hoſpital.

No Seaman an Object of this Charity unleſs he has ſerved five Years in the Merchants Service, and paid 6*d.* a Month during that time for the Purpoſes of this Act; which Money the Maſter of every Merchant Ship is to detain out of every Seaman's Wages (Apprentices, *&c.* excepted) and pay the ſame to ſuch Officers as the Preſident and Governors ſhall appoint to receive the ſame. Seamen ſhipwreck'd or taken Priſoners by the Enemy may be relieved. Maſters and Seamen in the *Eaſt-India* Company's Service excepted out of this Act.

*A* Letter of Attorney *to receive a* Seaman's Wages, *and his* Will, *may be made as follows:*

Know all Men by theſe Preſents, that I *A. B.* of, *&c.* Mariner, have made, ordained, conſtituted and appointed, and by theſe Preſents do make, ordain, conſtitute and appoint my loving Wife *M. B.* my true and lawful Attorney for me, and in my Name, and for my Uſe to aſk, demand and receive of and from all and every Perſon and Perſons whatſoever, as well all ſuch Sum and Sums of Money as now are, or which ſhall or may at any Time hereafter become due and owing to me, for Wages from the good Ship called, *&c.* wherein I am now proceeding in a Voyage to, *&c.* and from any Ship or Ships to which I may belong; as alſo all other Monies now due, or to become due and owing unto me by any other Ways and Means whatſoever. And upon Non-payment thereof, the ſaid Perſon and Perſons, his, her or their Executors or Adminiſtrators, for me and in my Name, to ſue, arreſt, impriſon, implead and proſecute for the ſame; and upon ſuch Suit to proceed to Judgment and Execution: And thereupon the ſaid Perſon and Perſons, their or either of their Executors and Adminiſtrators, in Priſon to hold and keep until Payment thereof be made, with all Coſts and Damages ſuſtained and to be ſuſtain'd by Reaſon of the Detaining of the ſame; and on Payment thereof, the ſaid Perſon and Perſons, their and either of their Executors and Adminiſtrators, forth of Priſon to Diſcharge, and Acquittances for me and in my Name to make, ſeal and deliver; and alſo to do, perform and execute all and

every other lawful and reaſonable Acts and Things whatſoever, both for obtaining and diſcharging the ſame, as ſhall be needful to be done: Giving and by theſe Preſents granting unto my ſaid Attorney my full and abſolute Power in the Premiſes, and ratifying and holding firm all and whatſoever my ſaid Attorney ſhall lawfully do or cauſe to be done in or about the Premiſes, by Virtue of theſe Preſents. *And* I the ſaid *A. B.* conſidering the great Uncertainty of Life, do make and declare theſe Preſents to contain alſo my Laſt Will and Teſtament, (that is to ſay) *Firſt* I give and bequeath unto, *&c.* *Alſo* I give to, *&c.* *Alſo* all ſuch Wages, Debts, Sum and Sums of Money, Goods, Chattels and Eſtate whatſoever, whereof at the Time of my Deceaſe I ſhall be poſſeſſed or intereſted, I do give, deviſe and bequeath the ſame unto my ſaid loving Wife *M. B.* whom I do hereby nominate, conſtitute and appoint ſole Executrix of this my Laſt Will and Teſtament; hereby revoking all former Wills by me made. *In Witneſs* whereof I have hereunto ſet my Hand and Seal the Day, *&c.* in the Year of our Lord, *&c.*

Perſonating Mariners, and receiving their Wages; and forging Letters of Attorney, Wills, *&c.* or falſly taking out Letters of Adminiſtration for the Receipt of Seamen's Wages, incurs a Forfeiture of 200*l.* beſides all other Penalties. See *Stat.* 9 & 10 *W.* 3. *c.* 41.

Vide *Juriſdiction* of the *Admiralty*, Vol. II.

# CHAP. VI.

## *Of Affreightment and Freight, and Charterparties.*

AFfreightment ſignifies the Freight of a Ship, and Freight is the Money paid for Carriage of Goods by Sea; or in a larger Senſe, it is taken for the Cargo, or Burthen of the Ship.

Ships are freighted either by the Ton, or by the Great; and in reſpect to time, the Freight is contracted and agreed for at ſo much *per* Month, or at a certain Sum for the whole Voyage: If a Ship freighted by the Great ſhall happen to be caſt away, the Freight is loſt; but if a Merchant agrees by the Ton, or at ſo much for every Piece of Commodities, and by any Accident the Ship is caſt away, if Part of the Goods are ſaved, ſome are of Opinion, ſhe ought to be anſwer'd her Freight *pro rata:* And when a Ship is inſur'd, and ſuch a Misfortune happens, the Inſur'd commonly transfer thoſe Goods over to the Aſſurers, towards a Satisfaction of what they make good, by Virtue of their Subſcriptions. *Lex Mercat.* 100.

If a Ship is freighted after the Rate of twenty Pounds for every Month that ſhe ſhall be out, to be paid after Arrival in the Port of *London*; and the Ship happens to be caſt away coming up from the *Downs*, but the Lading is all preſerved, the Freight in this Caſe ſhall be paid: For the Money becomes due monthly by the Contract, and the Place mentioned is only to aſcertain where

the ſame is to be paid; and the Ship is entitled to Wages, like unto a Labourer or Mariner that ſerves by the month, whoſe Executors are to be anſwered *pro rata* if he dies in the Voyage. Beſides the Freight is due by Intendment of Law on the bringing up of the Commodities to the Port of *London*, and their Delivery there, and not of the Ship. *Jure Marit.* 224, 225.

A Contract is made between a Merchant and a Maſter of a Ship, that if he carries the Merchant's Goods to ſuch a Port, the Merchant will then pay him ſo much Money for Freight: In making the Voyage the Ship is robb'd by Pirates, and Part of her Lading taken forth, and afterwards the Remainder is brought to the Port of Diſcharge; here the Sum agreed upon for the Freight is not become due, for the Agreement is not performed on the Part of the Maſter, and this is a conditional Contract. But it is otherwiſe by the *Civil Law*; for by that Law the ſame is a Danger of the Sea, which if not expreſs'd in Naval Agreements, yet is naturally implied, and there was no Default in the Maſter or his Mariners: And had thoſe Goods, which the Pirates carried away, been thrown over board in Streſs of Weather, it would not have worked a Diſability in the Maſter to receive the Sum agreed on; becauſe both by the Common Law, and the Law Marine, the Act of God, or that of the Enemy, ſhall not have an Effect to work a Wrong in Actions private: But a Pirate is not eſteem'd an Enemy in our Law. 1 *Brownl.* 21. 1 *Co. Rep.* 97.

It was covenanted by Charterparty, that a Ship ſhould return within the River of *Thames* by a certain time, (Dangers of the Seas excepted) and in the Voyage, within the time for the Return, the

the Ship was taken upon the Sea by Pirates, ſo that the Maſter could not return to the River *Thames* at the exact time mentioned in the Agreement: Here in the caſe of *Pickering* and *Berkley* it was reſolved, that this Impediment was within the Exception; and the Words *Dangers of the Seas excepted*, intend as well any Danger upon the Seas by Pirates and Men of War, as Dangers of the Sea by Shipwreck, Tempeſt, or the like. And in this Caſe, before Judgment was given, a Certificate of Merchants was read in Court, by Order of *Roll* Juſt. that the Taking by Pirates is amongſt Merchants accounted Perils of the Sea. *Stile's Rep.* 132. 2 *Roll. Abr.* 248.

If in Caſe of Freight a time is fixed and agreed upon between the Merchant and a Maſter of a Ship, for the Commencement and Finiſhing of the Voyage, it may not be altered by the Supercargo, without a ſpecial Commiſſion from the Merchant: If it be agreed, that the Maſter ſhall ſail from *London* to any Port abroad, in two Months, and Freight is accordingly agreed on, tho' the Maſter doth not arrive at the Port within the time, if he begins the Voyage during the two Months, the Freight ſhall become due. And ſo where an Agreement is made for the Ship to ſail the firſt fair Wind, or Opportunity, and ſhe does not, yet afterwards breaks ground and arrives at her Port, the Freight will be due; for Departure intitles the Maſter to the Freight, and to ſay the Ship did not depart with the next Wind is but a Circumſtance, which in Strictneſs of Law is not traverſable: But if a Maſter ſhall weigh Anchor, and proceed in his Voyage, after a certain time agreed upon for his Departure, he is liable to

make good all Caſualties at Sea, and Misfortunes whatſoever. *Paſch.* 2 *Car.* 1. *Poph.* 161.

In mutual Covenants between a Maſter of a Ship and a Merchant, wherein the Maſter of the Ship covenanted to ſail with the firſt fair Wind to *Barcelona*, and that the Mariners ſhould attend with a Boat to relade the Ship, and then he would return with the firſt fair Wind to *London*, and there unload and deliver the Goods; the Merchant covenanted to pay him ſo much for Freight, and ſo much a Day during his ſtaying in Port there for Demurrage. The Maſter brought his Action for the Money due to him for the Freight, and the Demurrage; and declared that he ſailed at ſuch a time with the firſt fair Wind, and ſo on according to the Agreement: To this the Merchant pleaded as to the Freight, that the Ship did not return directly to *London*, but went to *Alicant* and *Tangier*, and made divers Deviations, whereby the Goods were ſpoiled; and as to the Demurrage, the ſame was occaſioned by the Negligence of the Mariners, in not attending with the Boat to relade the Ship. But the Plea was held inſufficient, and the Plaintiff (the Maſter of the Ship) had Judgment; for the Covenants are mutual and reciprocal, upon which each hath his Action againſt the other, and cannot plead the Breach of one Covenant in Bar of another; and therefore the Merchant (the Defendant) ought by Action to recover his Damages ſuſtained. 3 *Lev. Rep.* 41. *Hill.* 13 *Car.* 2.

If the Freighter of a Ship ſhall put on board prohibited or unlawful Merchandizes, by which the Ship is detained, or the Voyage impeded, he ſhall anſwer the Freight contracted for: And when a Ship is out at Sea, and taken by an Enemy,

my, if afterwards ſhe be retaken by another Ship in Amity, and Reſtitution is made, whereupon ſhe proceeds in her Voyage, the Contract for Freight is not determined; for tho' the taking by the Enemy deveſted the Property out of the Owners, yet by the Laws of War that Poſſeſſion was defeaſible, and being recovered in Battle afterwards, the Owners became re-inveſted: So that the Contract by Fiction of Law, is of the ſame Validity, as if the Ship never had been taken; and the intire Freight becomes due accordingly. *Style* 220. 7 *R.* 2. *Statham Abr.* 54.

Where a Ship is freighted *out and in*, no Freight is due till the whole Voyage is performed; ſo that if the Ship be caſt away coming home, the Freight outwards as well as inwards becomes loſt: But if Goods and Merchandize are fully laden aboard, and the Ship having broke ground, the Merchant after that on Conſideration reſolves not to adventure, but will unlade again; by the Law Marine the Freight is deſerved. If a Ship in her Voyage happens to become unable to perform it, without any Fault in the Maſter; or the Maſter or Ship be arreſted by ſome foreign Prince or State; the Maſter may repair his Ship to make her capable of the Voyage, or may freight another Ship: And if the Merchant will not agree to the ſame, then the Freight will be due for ſo much as the Ship hath earned; for otherwiſe the Maſter is anſwerable for all Damages that ſhall happen. And therefore, if the Ship to which the Goods are tranſlated periſh, the Maſter muſt anſwer; but if both the Ships periſh, then he is diſcharg'd: And if the Ship be in a ſinking Condition, ſo that there is an extreme Neceſſity, the Goods may be put into any empty Veſſel paſſing

ſing by, which in all Appearance ſeems ſufficient; and if that Ship ſinks or periſhes, he is there excuſed. *Leg. Oleron* and *Rhod. Trin.* 9 *Jac.* 1. *B. R.* 1 *Brownl.*

If Part of the Lading be on Shipboard, and thro' ſome Misfortune happening to the Merchant, he has not his full Lading aboard at the time agreed, the Maſter is at Liberty to contract with another, and ſhall have Freight by way of Damage for the time thoſe Goods were on board; for theſe Agreements are in Law upon a Condition precedent, and any Failure as to compleat Lading will determine the ſame, unleſs afterwards affirmed by the Maſter's Conſent: This is the higheſt Juſtice, that the Ship and Maſter ſhould be free in theſe Caſes; and that by the Delay of the Merchant, on ſhipping a ſmall Quantity of Goods, the Maſter may not loſe the Seaſon of the Year, or be defeated of the Opportunity of Paſſage. *Jure Marit.* 218, 219.

And on the other hand, if the Veſſel is not ready, and part of the Goods are on Shipboard, the Merchant may ſhip the Remainder of his Goods aboard another Veſſel, and diſcharge the firſt Maſter; and may alſo recover Damages againſt ſuch Maſter or the Owners for the Reſt; which is grounded upon the like Reaſon as the former: Tho' by the Marine Law, Chance or ſome other notorious Neceſſity will excuſe the Maſter; but then he loſeth his Freight till ſuch time as he breaks ground, and until that time he ſuſtains the Loſs of the Ship. But if the Fault be in the Merchant, he is to anſwer for the Damage to the Maſter and the Ship; or according to the *Rhodian* Laws, ſhall be obliged to provide for the Ship's Crew ten Days at his own Charge;

and

and after that ſhall pay the full Freight: And if there be any Damage afterwards, the Merchant muſt run the Riſk of that, and not the Maſter or Owners. By our *Common Law* it ſeems to be otherwiſe; for ſo long as the Maſter hath the Goods on Shipboard, he is to ſee them forthcoming. *Leg. Oleron, c.* 21. *Mich.* 10 *Car.* 1. 3 *Cro. Rep.* 383. 2 *Cro.*

Where a Ship is not ready to take in, or the Merchant not ready to lade aboard Goods, the Parties are at Liberty; but nevertheleſs the Perſon damnified on either Side may bring an Action againſt the other, to recompence and make Satisfaction for the Detriment ſuſtained: It has been held, that by the Common Law of *England* the Party thus damnified by Action of the Caſe ſhall recover Damages on the Agreement; and by the Naval Laws of *Rhodes*, if there be an Agreement, and Earneſt given thereon, but no Writing made, and the ſame is broke by the Merchant, he loſeth his Earneſt; and if it be broke by the Owners of the Ship, or the Maſter, they forfeit double the Earneſt given. *Leg. Rhod. Artic.* 19.

If any Ship or Veſſel is freighted from one Port to another, and ſo to divers Ports, on what is called a trading Voyage, this is all but one Voyage, if it be in Conformity to the Charterparty or Agreement: And generally the touching at ſeveral Ports by Agreement, imports not a Diverſity, but a Voyage entire; but if the Ship otherwiſe puts into any other Port than what ſhe was freighted to, the Maſter by the Laws of *Oleron* ſhall anſwer Damage to the Merchant; unleſs he be forced in by Storm, Enemies, or Pirates, and then he muſt ſail to the Port agreed at his own Expence.

Expence. And where a Maſter freights out a Ship, and afterwards privately takes in other Goods, unknown to the firſt Laders, he ſhall loſe his Freight; and if here it falls out that any of the Freighters Goods for the Safety of the Ship ſhall be caſt over-board, the Reſt of the Merchandize ſhall not be ſubject to the Average, but the Maſter out of his own Purſe ſhall make good the ſame. *Leg. Oleron, Leg. Naval. Rhod. c.* 25.

Leakage occaſioned by Storm may in common caſes come into an Average: And if Freight be taken for an hundred Tons of Wine, and twenty of them leak out, ſo that there is not above eight Inches from the Buge upwards, the Freight notwithſtanding becomes due; and one Reaſon thereof is, becauſe from that Gage the King can demand his Cuſtoms; but if they be under eight Inches, in the Opinion of ſome the Freighters may chuſe to reſign them to the Maſter for Freight, and thereby be diſcharged: But moſt Perſons conceive otherwiſe, and hold, that if all the Wine had leaked out, (if there was no Fault in the Maſter) there is no Reaſon the Ship ſhould loſe her Freight; for the Freight ariſes from the Tonnage taken, and in ſome Places abroad, particularly at *Bourdeaux*, the Maſter is not allow'd to ſtow the Goods, but it is done by a particular Officer appointed for that Purpoſe. *Hill.* 26 & 27 *Car.* 2. in *B. R.*

In Caſe a Ship ſhall be freighted for two hundred Tons, or any other Number of Tons more or leſs, adding *or thereabouts*, this Addition is commonly underſtood to be within five Tons, the Moiety of the Number Ten, whereof the whole Number is compounded. If a Charter-party

party is made, reciting the Ship to be of the Burthen of One hundred and fifty Tons, and Freight is agreed for at a Sum certain, to be paid at her Return; the Sum agreed ſhall be paid, tho' the Ship falls ſhort of that Burthen; and if no Burthen is expreſſed, the Sum muſt be paid: But if a Ship freighted by the Ton ſhall be found leſs than the Burthen mentioned, there ſhall be no more paid than for the real Tons. *Lex Mercat.* 100.

And the Lading of a Ship, in Conſtruction of Law, is bound for the Freight, which in point of Payment ſhall be preferred before any other Debts to which the Goods ſo laden are liable, tho' ſuch Debts as to time were precedent to the Freight; and the Actions touching the ſame the Law conſtrues favourably for the Ship and the Owners. Where a Merchant unadviſedly takes Freight, and contracts with a Mariner, that is not a Maſter of a Ship, he has no Remedy againſt the Owners if a Loſs enſues: But the Mariner may be ſubject to an Action. 3 *Keb. Rep.* 444. 4 *Inſt.* 146.

A Maſter of a Ship is not bound to anſwer Freight to the Owners for Paſſengers, where it appears that they are not able to pay: And if Freight be contracted for the tranſporting of Women, and they happen in the Voyage to be delivered of Children on Shipboard, no Freight becomes due for ſuch Children. If any Paſſenger dies aboard, the Maſter of the Ship is oblig'd to inventory his Effects; and if none lays Claim to them within a Year, the Maſter becomes Proprietor of the Goods, but defeaſible. *Jure Marit.* 221.

If

If Freight be contracted for the Lading of certain Cattle from *Dublin* to *Cheſter*, and ſome of them die before the Ship's Arrival there; the whole Freight ſhall be paid, as well for the Dead as the Living: So where Slaves, *&c.* are ſent aboard generally, and no Agreement is made for Lading or Tranſporting them. But if a Contract be for Tranſporting Slaves or Cattle; or that the Maſter ſhall have ſo much for every Head or Paſſenger, there ariſes due no more Freight than only for ſuch as are living at the Ship's Arrival at her Port of Diſcharge, and not for the dead. *Ibid.*

Freight is governed by the Contract, when reduced into a Writing, commonly called a *Charterparty*, executed between the Owners and Merchant, or the Maſter in Behalf of himſelf and Owners, or himſelf and the Merchant, or between them all: In which the Maſter or Owners generally covenant to provide a Pilot, and other Officers and Mariners, and all Things neceſſary for the Voyage; and for the taking in and delivering out of the Lading. And the Charterparty doth ſettle the Agreement of the Parties, and what is to be paid by the Merchant for the Freight, as the Bills of Lading do the Contents of the Cargo; and binds the Maſter to deliver the Goods in good Condition at the Place of Diſcharge; and for Performance the Maſter obliges himſelf, Ship, Tackle and Furniture, to ſee the ſame done and performed. *Lex Mercat.* 99.

The Common Law always conſtrues Charterparties, as near as may be, according to the Intention and Deſign of them, and not according to the literal Senſe of Traders, or thoſe that Merchandize by Sea; but they muſt be regularly pleaded. And if the Maſter of a Ship enters into a Char-

a Charterparty for himſelf and Owners, the Maſter in that caſe may releaſe the Freighters, without adviſing with the Owners: Though if the Owners let out to Freight ſuch a Ship whereof *A. B.* is Maſter, and he only convenants at the Bottom and ſubſcribes his Name, here his Releaſe will not bind or affect the Owners of the Ship; but their Releaſe on the other hand ſhall conclude the Maſter; and the Reaſon is for that he is not a proper Party to the Indenture of Charterparty. *Trin.* 29 *Eliz. B. R.* 2 *Inſt.* 673.

If without agreeing for the Freight by Charterparty, any Goods are put on board, the Maſter ſhall have Freight according to Cuſtom; and if the Goods ſhall be ſent to the Ship ſecretly, without the Maſter's Knowledge, the ſame may be ſubjected to what Freight the Maſter thinks fit. And as to the Maſter's anſwering for any Goods and Merchandize; when Coffers, Packs, or Veſſels, or other marked Goods are delivered cloſe packed or ſealed, and afterwards ſhall be received open and looſe, the Maſter is to be charged for it, until on due Trial he be acquitted thereof: Alſo he muſt anſwer for the Damage which Rats do in a Ship to any Merchandize, for want of keeping a Cat, as well as for any other Damage. *Lex Mercat.* 102.

And concerning the Marking of Goods, both the Common Law and the Civil Law have great Reſpect to it, in relation to the ſettling the Property of the Merchandize in the right Owner; ſo that if one Man ſhall uſe the Mark of another, to the Intent to do him Damage, or bring him into any Trouble, Action of the Caſe lies. 2 *Cro. Rep.* 471. But this relates more to home Trade in general, and to aſcertain the Goodneſs of Com-

Commodities, than to Goods uſually freighted to Sea.

*A* Charterparty of Affreightment *is drawn in the following Form:*

This Charterparty indented, made, concluded and agreed upon, this Day of, *&c.* in the Year of our Lord, *&c. Between A. B.* of, *&c.* Mariner, Maſter and Owner of the good Ship or Veſſel called, *&c.* now riding at Anchor at, *&c.* of the Burthen of two hundred Tons, or thereabouts, of the one part, and *C. D.* of, *&c.* Merchant of the other part, *Witneſſeth* that the ſaid *A. B.* for the Conſiderations herein after mentioned, hath granted and to freight letten, and by theſe Preſents doth grant and to freight let unto the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, the whole Tonnage of the Hold, Stern-Sheets and Half-Deck of the ſaid Ship or Veſſel called the, *&c.* from the Port of *London* to, *&c.* in a Voyage to be made with the ſaid Ship, in manner hereafter mentioned, (that is to ſay) to ſail with the firſt fair Wind and Weather that ſhall happen after, *&c.* or before, *&c.* next, from the ſaid Port of *London*, with the Goods and Merchandize of the ſaid *C. D.* his Factors or Aſſigns on board to, *&c.* aforeſaid, (the Dangers of the Seas excepted) and there unlade and make Diſcharge of the ſaid Goods and Merchandizes, and deliver all the ſaid Goods in good Condition and as they were delivered to him; and alſo ſhall there remain with the ſaid Ship the Space of Twenty-one Days, and take into and aboard the ſame Ship again the Goods and Merchandizes of the ſaid *C. D.* his Factors or Aſſigns, and ſhall then

then return to the Port of, &c. with the ſaid Goods, in the time, &c. limited for the End of the ſaid Voyage: *In Conſideration* whereof the ſaid *C. D.* for himſelf, his Executors and Adminiſtrators, doth covenant, promiſe and grant, to and with the ſaid *A. B.* his Executors, Adminiſtrators and Aſſigns, by theſe Preſents, that he the ſaid *C. D.* his Executors, Adminiſtrators, Factors or Aſſigns, ſhall and will well and truly pay, or cauſe to be paid unto the ſaid *A. B.* his Executors, Adminiſtrators or Aſſigns, for the Freight of the ſaid Ship and Goods the Sum of, &c. (or after the Rate of four Pounds of, &c. the Ton, for every Ton of Goods and Merchandizes that ſhall be unladen of and from the ſaid Ship, or at the Rate of, &c. monthly, accounting the Months as they ſhall fall out in the Kalendar, for every Month that the ſaid Ship ſhall be in performing the ſaid Voyage, and ſo in Proportion for a ſhorter time than a Month, to commence from, &c. and continue till the Ship's Return to, &c.) within Twenty-one Days after the ſaid Ship's Arrival, and Goods return'd and diſcharged in good Condition at the Port of, &c. aforeſaid, for the End of the ſaid Voyage: And alſo ſhall and will pay for Demorage, (if any ſhall be by the Default of him the ſaid *C. D.* his Factors or Aſſigns) the Sum of, &c. *per* Day, Daily and every Day, as the ſame ſhall grow due. *And* the ſaid *A. B.* for himſelf, his Executors and Adminiſtrators, doth covenant, promiſe and grant, to and with the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, by theſe Preſents, that the ſaid Ship or Veſſel ſhall be ready at the Port of *London*, to take in Goods by the ſaid *C. D.* on or before, &c. next coming: And the ſaid *C. D.* for himſelf, his

Executors, &c. doth covenant and promiſe, within ten Days after the ſaid Ship or Veſſel ſhall be thus ready, to have his Goods put on board the ſaid Ship, to proceed in the ſaid Voyage; and alſo on the Arrival of the ſaid Ship at, &c. within ten Days to have his Goods ready to put on board the ſaid Ship, to return on the ſaid Voyage. *And* the ſaid *A. B.* for himſelf, his Executors and Adminiſtrators, doth further covenant and grant to and with the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, that the ſaid Ship or Veſſel now is, and at all times during the ſaid Voyage ſhall be to the beſt Endeavours of him the ſaid *A. B.* his Executors and Adminiſtrators, and at his and their own proper Coſts and Charges, in all things made and kept ſtiff, ſtaunch, ſtrong, well apparelled, furniſhed and provided, as well with Men and Mariners ſufficient and able to ſail, guide and govern the ſaid Ship, as with all Manner of Rigging, Boats, Tackle, Furniture, Proviſion and Appurtenances, fitting and neceſſary for the ſaid Men and Mariners, and for the ſaid Ship during the Voyage aforeſaid. *And laſtly*, for the Performance of all and ſingular the Covenants, Grants, Articles and Agreements, herein contained, on the part and behalf of the ſaid *A. B.* his Executors or Adminiſtrators, to be done and performed, the ſaid *A. B.* binds himſelf, his Executors and Adminiſtrators, and eſpecially the ſaid Ship with her Tackle, Apparel, and Furniture, unto the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, in the Penal Sum of One Thouſand Pounds of lawful Money of *Great Britain*, by theſe Preſents. *In Witneſs* whereof the Parties above named

have to this present Charterparty interchangeably set their Hands and Seals, the Day and Year first above written.

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## CHAP. VII.

### *Of Assurance or Insurance.*

THESE Terms signify a Security given in consideration of a Sum of Money paid to an Insurer or Assurer to indemnify the Person or Persons paying the same from such Losses as shall be agreed upon between the Parties and expressed in the Policy of Assurance: And the Price or Rate given for such Insurance is called the *Præmium*. Of these Insurances some are publick, done at the publick Offices of Assurance; and others are private, being agreed upon privately between the Merchant and Insurers.

All Insurances, whether publick or private, must be made upon the Ship, or on the Goods, or upon Ship and Goods; and are either to certain Places, or made general: Those made to Places certain, are of Goods laden or to be laden aboard outwards, until the same shall be laid ashore at such a Port; or on Goods laden or to be laden homeward, till the Adventure shall be landed; or upon Goods out or in. And where Ships insured make trading Voyages, deliver their Goods and Merchandize at one Port, and take in fresh Cargoes, and then proceed to other distant Places, and back again; this is a general Assurance, and being dangerous, the *Præ-*

*mium* runs higher than that of any other certain Voyage. *Jure Marit.* 240.

It appears from Hiſtory, that *Claudius Cæſar*, the *Roman* Emperor, was the firſt that brought in this Cuſtom of Inſurance, whereby the Danger of a Voyage is divided, repaired and borne by many Perſons conſenting and agreeing between themſelves what part every Man will be contented to inſure, make good and pay, if any Loſs or Caſualty ſhall happen to the Ship and Goods adventured; to the end that Merchants might enlarge their Traffick and Commerce, and not adventure all in one Bottom to their Ruin, but that the ſame might be anſwered by many, and thereby the Misfortune be made the eaſier: And this Cuſtom is at preſent become ſo general and ſuch Care is taken in the Policies which are now uſed, that ſcarce any Misfortune or Detriment can happen or come to the thing inſured but what is provided for: So that moſt of thoſe curious Queſtions which the Lawyers and Civilians of the laſt Age controverted are at preſent very little attended to.

An Office of Inſurance was erected by *Stat.* 43 *Eliz.* and a Court for deciding Differences ariſing upon Policies of Inſurance in *London:* But any Man at this day may make a private Policy of Inſurance, which ſhall be as good and effectual in Law, to all Intents and Purpoſes, as one made and entered in that Office; and when this Court held cognizance, ſuch a Policy might as well as now be ſued at the Common Law. Tho' it has been held, that by the making of an Office Policy theſe Advantages may enſue; if the Policy of Inſurance be loſt, and the ſame be entered with the Regiſter of the Office, the Entry is ſufficient

ficient to make the Parties answerable; but a private Policy lost is like a Deed burnt, and unless there be strong Evidence of it, as a Copy or the like, it will be of little Value, so that there will remain nothing but an equitable Relief in Chancery. *Jure Marit.* 240, 249.

There is no fix'd or certain Price for Insurances, which rise and fall according to the State of the Nation in Peace or War, the Situation of the Place, Season of the Year, and other various Occurrences.

As Goods and Merchandize are commonly insured, so likewise are the Ship's Tackle and Furniture; but in regard there seldom happens a Voyage but somewhat is missing or lost, a great *Præmium* is generally given in these Cases. And when a Ship at Sea hath been long missing, and no Advice can be had where she is, the *Præmium*, especially in time of War, will be very high, sometimes thirty or forty *per Cent.* But then these Words are inserted in the Insurance, *lost or not lost*; and in such case, tho' it happens that at the time the Subscription is made, the Ship is cast away, yet the Insurers must answer: But if the Party who caused the Insurance to be made, actually saw the Ship wreck'd, or had certain Intelligence of it; such Subscription will not be obligatory, for the same shall be accounted a meer Fraud. So likewise if the Assured having a rotten Vessel shall insure upon the same more than she is worth, and afterwards give order that going out of the Port the Ship should be sunk or wrecked, this will be adjudg'd fraudulent, and not oblige the Insurers to answer. *Mich.* 26 *Car.* 2. *Stockden*'s Case.

A Veſſel being coming Home in her Voyage laden, the Owners and Maſter agreed together to ſell the Freighter's Goods privately, and then to go ſome ſmall Diſtance out to Sea, and there ſink the Ship, and pretend ſhe ſtruck and foundered by Extremity of Weather: This being ſo contrived, the Owners make a Policy of Inſurance on the Veſſel; the Goods were afterwards ſold, and the Maſter with his own Hands made a hole in the Bottom of the Ship, with an Iron Crow, and convey'd himſelf and Mariners aſhore, the Ship being in a ſinking Condition. The Maſter hereupon ſent Advice of the Loſs to the Owners, who boldly demanded the Money inſured, and brought an Action for the ſame; but before this Cauſe came to Trial, the Merchant that freighted the Veſſel, commenced his Action of *Trover* for the Goods againſt the Owners, and therein the Fraud was detected, and Judgment given for the Plaintiff the Merchant: Alſo with this Intimation, that if the Owners proceeded in their Action on the Inſurance, they muſt expect that their Practice and Fraud would totally poiſon it; ſo they went no farther. *Hill.* 32 *Car.* 2. *B. R.* Where 'tis now Felony, wilfully to caſt away or deſtroy a Ship in ſuch a Caſe, ſee *Stat.* 12 *Ann.* 4 *Geo.* 1. *c.* 12.

A *London* Merchant cauſed a Ship at *Calais* to be freighted for *Liſbon*, and to return back again to *Calais* or *London*; and the Ship going to *Liſbon* was there laden with Sugar, Pepper and other Commodities to come for *London*; whereupon the Merchant cauſed ſix Thouſand *French* Crowns to be inſured on her at *Roan*; and it happened that the Ship was caſt away upon the Coaſt of *France* in coming homewards, and all the Goods were

were loſt; and of this Intimation was made to the Aſſurers, and all the Proof concerning the Lading of the ſaid Ship was ſent to the Commiſſioners of Aſſurances at *Roan:* But upon examining the Bills of Lading, which declared truly the Quality and Quantity of the Goods, the Merchant's Factor at *Liſbon* (conſidering it was a dangerous Time of War and the Merchant living in *London)* left the Place of the Ship's Diſcharge in Blank, and by Letters over Land gave him Notice of it, which was made apparent; here after the Examination of the Sea Laws and Cuſtoms, and conſulting experienced Merchants, it was ſentenced, that the Inſurers ſhould be cleared, and make only a Reſtitution of the Money received by them for their *Præmium*, out of which they abated ten Shillings for every Hundred Pounds, for their ſubſcribing to the Policy of Inſurance. *The Caſe of* Gerard Malynes *Merchant*, Lex Mercat. 112.

If a Ship is inſured for more than ſhe is worth, the Money may be recover'd, on any Loſs happening, where the Policy of Aſſurance is well made, and it is declared therein that the Owner did value his Ship in ſuch a Sum: And where a Merchant valued one Barrel of Saffron at one Thouſand Pounds, having privately put ſo much in Gold in the ſame, the Gold was taken, but the Saffron delivered; here the Aſſurers were obliged to pay for the Gold: The like is to be done for Pearls or other Things ſo valued. But I have before obſerv'd, in another Place, that if Goods are ſtolen or imbezil'd on Shipboard, the Maſter (not the Aſſurer) is anſwerable. See *Lex Mercat.* 101, 102.

In Case a Merchant shall insure a Ship generally, and in the Policy it is expressed of such a Burthen, the Ship happens then to be loaden, and afterwards miscarries; the Insurers shall not answer for the Goods, but for the Ship only, that is named. But where Goods are insured, it matters not in the Policy of Assurance, whether the particular Wares and Goods are named; but commonly Mention is made of the principal Wares, and all other Commodities laden or to be laden by the Insured, for his Account, or any other. Yet when an Insurance is upon any particular Goods and Merchandize, it must be declared particularly by the Mark of the Goods belonging to such a Merchant; and if there be more of the same Mark, the Number is added; and where the Number is alike, the Weight may distinguish the same; so as to be rightly answered, if any Loss happen. *Ibid.* 116.

If a Ship be insured from the Port of *London* to any Place abroad, and before the Ship breaks ground she happens to take Fire and is burnt, the Assurers in such Case are not obliged to answer; for the Adventure did not begin till the Vessel was gone from the first Port: If in the Policy of Insurance the Words, *at and from the Port of* London had been inserted, there the Insurers would have been answerable for such a Misfortune. And if on such an Insurance the Ship had broke ground, and afterwards been driven by Storm back to the Port of *London*, and there had took Fire, the Insurers must have answered; because the very breaking of ground was a Commencement of the Voyage: And the Port of *London* extends from the *North Foreland* in

in the Isle of *Thanet* to *London-Bridge*. Rot. Scaccar. 15 Car. 2.

Where any Merchant insures Merchandize from *London* to *St. Lucar*, until it be laid on Shore at *Sevil*; this Adventure is as well in the small Ships, Lighters, or Boats, in which it is carried up to the City of *Sevil* till the unlading thereof there, as the same was in the Ship whereby the said Merchandize was transported from the Port of *London* to *St. Lucar*; and any Damage, either totally or in part, is to be answered by the Assurers accordingly. If Goods are insured in a certain Ship bound to any foreign Parts, and in the Voyage it happens she becomes leaky or receives other Damage, and the Supercargo on board and Master agree to freight another Vessel for the safe Delivery of the Goods; and then after her relading the second Vessel miscarries, the Assurers are discharged, without a special Clause to make them liable: But if there be these Words, the Goods laden to be transported and delivered at such a Place, by the said Ship, or by any other Ship or Vessel until they be safely landed, then the Insurers must answer the Misfortune happening. *Leg. Rhod. Jure Marit.* 242.

If a Merchant freights a Ship with Wool, *&c.* which occasions a Forfeiture of Ship and Lading, being contrary to Law; or if he lades Contraband Goods knowingly, and afterwards insures the same, if they are seized by the King's Officers, the Insurers are not compellable to bear the Loss: Tho' where any Goods insured are not Contraband at the Time of the lading and Insurance, but become such by some posterior Act or Declaration, if they are then seized, the Insurers are answerable. And if Goods be lawfully insured,

sured, and afterwards the Vessel is disabled, by reason of which, with the Consent of the Merchant, they are put into another Ship, which after Arrival proves an Enemy's Ship, and by reason thereof is subject to Seizure; in this case the Insurers shall answer, for that is such an Accident as is within the Intention of the Policy of Insurance, where the Policy mentions against Dangers of the Sea, Enemies, *&c.* as Policies generally do. 12 *Car.* 2. *c.* 32. 14 *Car.* 2. Persons insuring, or undertaking to deliver prohibited Goods, *&c.* to forfeit 500*l.* *Vide* 4 & 5 *W.* & *M. c.* 15.

A Merchant insureth his Goods to a Port abroad, and there to be landed; the Factor after Arrival of the Ship sells the Cargo aboard, without ever unlading the Ship; and the Buyer of the Goods contracts for the Freight of them for some other Port, but before the Ship breaks ground she is by some Accident destroyed; in this case the Assured and Buyer are left without Remedy: For the Property of the Merchandize being changed, and Freight contracted *de novo*, the same doth amount to as much as if the Goods had been landed. By the Laws of *Antwerp*, the Adventure is to be born by the Insurers fifteen Days after the Ship's Arrival in Port. *Jure Marit.* 243.

In an Action brought upon a Policy of Insurance of Goods from *London* to *Naples*, warranted to depart with Convoy; it appear'd that the Ship departed with Convoy, but was separated by Stress of Weather, and putting into *Torbay* was there detained by contrary Winds; afterwards the Master of the Ship, expecting to meet the Men of War that were Convoy, sailed out

out of the Harbour, but could not find them by reason of the Badness of the Weather, and the Ship was taken by the Enemy. It was here argued, that no more was intended than a Departure with Convoy at the first setting out of the River, which being provided by the Insurers, they had fulfill'd their Warranty; but on the other Side it was insisted, that by the Words of the Policy the Ship ought to go all the way with Convoy, and not only out of the Mouth of the River, where there is no Danger; for that could never be the Meaning of the Parties, and that she should be left at Sea where is Danger: But it was adjudg'd in this Case, that to depart with Convoy, means only that the Ship shall leave the Port and sail with the Convoy, without any wilful Default in the Master; and the Master having done all that could be done, notwithstanding which the Ship is taken, therefore the Insurers are answerable. It would be otherwise, if by the Master's Default the Ship had been separated and taken; then the Insurers would not have been liable. *Jefferies* against *Legandra*, *Hill.* 2 *W.* & *M.* 2 *Salk. Rep.* 443.

An Insurance was made from *Archangel* to the *Downs*, and from thence to *Leghorn*; but there was a Parol Agreement at the same time, that the Policy should not commence till the Ship came to such a Place; and it was held that the Parol Agreement should avoid the Writing. It has been likewise adjudg'd, that if after a Policy of Insurance a Damage happens, and afterwards in the same Voyage there is a Deviation; yet the Assured shall recover for what happened before the Deviation, and the Policy be discharged from the time of the Deviation only: Also a going out

out of the way, by the Circumstances of the Case; may sometimes be no Deviation. 2 *Salk.* 444.

If a Man in a foreign Country insures a Ship from any Place there to *London*, and the Ship is lost, the Assurer, if he comes into *England*, shall answer by our Law here; for the Promise is transitory, and not fixed to the Place where made: And so it was resolv'd, where a Person abroad, in consideration of 10*l.* had insured, that if the *English* Merchant's Ship did not come safe to *London* he would pay 100*l.* Afterwards the Ship was robb'd on the Sea; and in an Action brought for the 100*l.* the Merchant had Judgment, tho' the Subscription was out of the Realm. 37 *H.* 8. *Mich.* 31 *Eliz.*

In order to the receiving and recovering of Money insured upon Policies of Insurance; when the Persons insured have received Advice of the Loss of the Ship or Goods, they are to make Application to the Insurers, and produce their Vouchers, Witnesses, or Evidences concerning the said Loss, declaring the Manner and Place, the Cause, with all Circumstances thereof, and all such Proof as by Letters and other Means they can attain unto; with which if the Insurers are satisfied, they will pay the Money without any Scruple, deducting the *Præmium*, nor can they make any Objection to it, unless they have some reasonable Ground to found it upon, as contrary Intelligence, *&c.* In which Case the Parties who have insured the Sums must wait a convenient time, according to the Distance of the Place where the Ship is affirm'd to be lost, till more certain Advice can be obtained by the Insurers about it; or if nothing can be heard of the

the Ship in any reasonable time, then the Insurers are obliged forthwith to pay the Money: But if after that it should happen that the Ship shall arrive safe, the Insurers in such case shall have the Money return'd them. And when it happens, that some Part only of the Goods are lost, as in the Case of Ejections in a Storm, or other such Accidents; then the Insurers make an Average of it, and each Man pays so much *per Cent.* in Proportion to the Sum for which he subscribed.

If one Merchant hath insured the greatest Part of the Adventure of a Ship, and Advice is received of a Loss, but with hope of Recovery of any part thereof, whereby he would have the Assistance of the Insurers, he has a Privilege to make a Renunciation of the Lading to the Assurers, and to come in himself in the Nature of an Insurer, for so much as shall appear he hath born the Adventure of beyond his part of the Value insured: And if the Merchant do not renounce; yet there is a Power given in the Policy of Insurance for him to travel and endeavour a Recovery of the Adventure, after a Misfortune hath happened, to which the Assurers are to contribute, the same being a Trouble for the Ease of them; and they may appoint their Servants or other Persons to join therein. *Lex Mercat.* 115.

Where Goods are redeemed from a Pirate, all the Insurers must pay Contribution, because the Redemption is made for the Safety of all; so it is where Goods are wet, or receive damage by any other Accident: And by the Marine Law, if it be absolutely necessary to lighten a Ship, for her easy Entrance into Harbour, or a Channel, two parts of the Loss shall fall upon the Goods, and

and the third part upon the Ship; except the Ship is of greater Value than the Lading, and the Charge of the Goods be not the Cause of her Inability to enter, but some bad Quality proceeding from the Ship it self; or it is otherwise provided, that the Goods shall be fully delivered at the Port appointed for them. *Lex Mercat.* 109.

Assurances may be made on Men's Heads, as well as Ships and Goods; as if a Man is going for the *Streights*, or to any Port in the *Mediterranean* Sea, and is in Danger of being taken by the *Moors* or *Turkish* Pirates, and so made a Slave, whereby a Ransom must be paid for his Redemption, he may advance a *Præmium* accordingly upon a Policy of Assurance; and if he be taken, the Insurers must answer the Ransom secured. *Mich.* 29 *Car.* 2. *B. R.*

*The* Statutes *that have been made concerning* Insurances *are*,

The Statute 43 *Eliz. c.* 12. which ordain'd, that the Lord Chancellor or Keeper should award a standing Commission, for the Hearing and Determining of all Causes arising on Policies of Insurance, as should be entered in the Office of Assurance in *London:* This Commission was to be directed to the Judge of the Admiralty, the Recorder of *London*, two Doctors of the Civil Law, two Common Lawyers, and eight grave and discreet Merchants, or to any five of them; which Commissioners had Power to hear and examine, order and decree, all such Causes in a brief and summary Way, as to their Discretion should seem meet, without the Formality of Pleadings; and

and to that end were to sit once a Week at least, in the Office of Assurance, and summon Parties, examine Witnesses upon Oath, and commit to Prison those which should contemn or disobey their Orders or Decrees; and no Fees were to be there exacted by any Person whatsoever.

But if any Person was aggrieved by their Sentence or Decree, he might exhibit his Bill in *Chancery* for the Re-examination thereof, if he first deposited with the Commissioners the Sum of Money awarded; and the Lord Chancellor or Keeper might reverse or affirm any such Sentence or Decree; and in case it was affirm'd, should award the Party Assured double Costs.

And no Commissioner was to act or judge in any Cause, wherein himself was a Party, as Assurer or Assured; nor until he had taken an Oath before the Lord Mayor and Court of Aldermen, to proceed uprightly and indifferently between Party and Party.

By the 14 *Car.* 2. *c.* 23. Additional Powers and Privileges were granted to this Court, which was a Court of Equity as well as of Law; and by this Act any three of the Commissioners, whereof a Doctor of the Civil Law or Barrister at Law of five Years standing to be one, might proceed in Causes of Insurance, and pass Sentence and award Execution against the Body and Goods, *&c.* of the Party convicted, and assess Costs of Suit.

Also Commissions were to be issued out of the Admiralty, returnable before the said Commissioners, to examine Witnesses beyond Sea, *&c.* But these Statutes did not take away that Cognizance which the Courts at *Westminster* claimed upon such Contracts; they only gave this new

erected

erected Court a concurrent Jurisdiction with those at Common Law; for tho' the Loss happened out of the Realm, that is not the direct Ground of the Action, but the *Assumpsit* or Promise, and therefore they had Jurisdiction of the Cause; and these Causes are now tried in the ordinary Courts.

By the Statute 6 *Geo.* 1. *c.* 18. The King was enabled to grant two Charters of Incorporation under the Great Seal, for Assurance of Ships, Goods and Merchandizes at Sea, or for lending Money upon Bottomry, *&c.* in *London*, called the *Royal Exchange Assurance*, and the *London Assurance*; and the said several Corporations to have perpetual Succession, have a Common Seal, and purchase Lands, *&c.* not exceeding one thousand Pounds a Year: And they may raise Money by taking in Subscriptions of particular Persons, or by Calls from their Members, *&c.*

After the granting the respective Charters, all other Corporations and Societies, or Partnerships for assuring Ships and Merchandizes at Sea, or for lending Money on Bottomry, shall be restrained from Signing and Under-writing any Policy of Insurance, or making any Contracts for Assurance of Ships, Goods or Merchandize, and from lending any Money by way of Bottomry; and all their Policies and Contracts shall be void, and every Sum so under-written, *&c.* forfeited: But nevertheless any private or particular Person shall be at Liberty to under-write any Policies of Assurance on Ships, *&c.* or may lend Money by way of Bottomry, as he might have done before this Act.

And each of the Corporations aforesaid shall be obliged by Virtue of this Statute, and of their respective

respective Charters, to cause such Stock of ready Money to be provided, as shall be sufficient to answer all just Demands on their Policies of Assurance, for any Loss that shall happen, and shall satisfy all such Demands; and in case of Refusal or Neglect, the Parties assured, their Executors, *&c.* may bring an Action of Debt for the same, in which the Plaintiffs may declare that the same Corporation is indebted to them in the Sums of Money demanded, and have not paid the same, *&c.* and thereupon shall recover their Damages and full Costs of Suit; and the Stock and Effects of the Corporation shall be subject thereto.

By the 11 *Geo.* 1. *c.* 30. *sect.* 41. it is enacted, that on all Actions of Debt to be sued against either of the Corporations for Insurance in *London*, called by the Names of the *Royal Exchange Assurance*, &c. upon any Policy of Assurance under the common Seal of such Corporations, for the Assuring of any Ship, Goods, or Merchandizes at Sea, the said Corporations in such Actions or Suits may plead generally, that they owe nothing to the Plaintiffs in the said Actions; and in all Actions of Covenant, which shall be brought against either of the said Corporations upon any Policies of Assurance under their common Seal, it shall be lawful for each of the said Corporations, in any such Action or Suit to plead generally, that they have not broke the Covenant in such Policies contained: And if Issue be joined thereupon, the Jury upon the Trial thereof, if they see Cause, may find a Verdict for the Plaintiff; and give such Part only of the Sum demanded, if it be an Action of Debt, or so much only in Damage, if it is an Action of Co-

venant, as it ſhall appear to them on the Evidence given, that the Plaintiff ought in Juſtice to have, or is juſtly entitled unto.

And by the ſame Statute is ordain'd, that when any Veſſel, Goods or Merchandizes ſhall be inſured, a Policy of Aſſurance duly ſtamped is to be iſſued, or made out within three Days at fartheſt; and the Inſurer neglecting to make out ſuch a Policy in that time, ſhall forfeit 100*l.* for every Offence, to be ſued for and recovered, and the Penalty divided in the ſame way and manner as other Penalties and Forfeitures are by the Laws relating to the Stamp-Duties.

And all promiſſory Notes for Aſſurance of Ships or Merchandize at Sea, or going to Sea, are by this Act declared void.

The Preamble to the Act of the 19 *Geo.* 2. *c.* 37. for regulating the Inſurance on Ships belonging to *Great Britain*, and on Merchandizes and Effects laden thereon, very juſtly obſerves, that the making Aſſurances, Intereſt or no Intereſt, or without further Proof of Intereſt than the Policy, hath been productive of many pernicious Practices, whereby great Numbers of Ships with their Cargoes, have either been fraudulently loſt and deſtroyed, or taken by the Enemy in time of War; and that ſuch Aſſurances have encouraged the Exportation of Wool, and the carrying on many other prohibited and clandeſtine Trades; which, by means of ſuch Aſſurances, have been concealed, and the Parties concerned ſecured from Loſs, as well to the Diminution of the publick Revenue, as to the great Detriment of fair Traders; and that by introducing a miſchievous kind of Gaming or Wagering, under the Pretence of aſſuring the Riſk

on Shipping and fair Trade, the Institution and laudable Design of making Assurances hath been perverted; and that which was intended for the Encouragement of Trade and Navigation has, in many Instances, become hurtful of and destructive to the same; and then enacts, that after the first Day of *August* 1746, no Assurance or Assurances shall be made by any Person or Persons, Bodies corporate or politic, on any Ship or Ships belonging to his Majesty, or any of his Subjects, or on any Goods, Merchandizes or Effects, laden or to be laden on board of any such Ship or Ships, Interest or no Interest, or without further Proof of Interest than the Policy, or by way of Gaming or Wagering, or without Benefit of Salvage to the Assurer; and that every such Assurance shall be null and void: But Assurances on private Ships of War, fitted out by any of his Majesty's Subjects, solely to cruize against his Enemies, may be made by the Owners thereof, Interest or no Interest, free of Average, and without Benefit of Salvage to the Assurer.

That Merchandizes or Effects from any Ports or Places in *Europe* or *America*, in Possession of the Crowns of *Spain* or *Portugal*, may be assured in such way and manner as if this Act had not been made.

That it shall not be lawful to make Re-assurance, unless the Assurer shall be insolvent, become a Bankrupt, or die; in either of which cases such Assurer, his Executors, Administrators or Assigns, may make Re-assurance to the Amount of the Sum before assured, provided it shall be expressed in the Policy to be a Re-assurance.

That after the ſaid firſt Day of *Auguſt* all and every Sum and Sums of Money to be lent on Bottomry, or at *Reſpondentia*, upon any Ship or Ships belonging to any of his Majeſty's Subjects bound to or from the *Indies*, ſhall be lent only on the Ship, or on the Merchandize or Effects laden or to be laden on board of ſuch Ship, and ſhall be ſo expreſſed in the Condition of the Bond; and that the Benefit of Salvage ſhall be allowed to the Lender, his Agents or Aſſigns, who alone ſhall have a Right to make Aſſurance on the Money ſo lent; and that no Borrower of Money on Bottomry or at *Reſpondentia*, ſhall recover more on any Aſſurance than the Value of his Intereſt on his Ship, or in the Merchandizes or Effects laden on board of ſuch Ship, excluſive of the Money ſo borrowed; and that in caſe it ſhall appear that the Value of his Share in the Ship, or in the Merchandizes or Effects laden on board, doth not amount to the full Sum or Sums he hath borrowed, ſuch Borrower ſhall be reſponſible to the Lender for ſo much of the Money borrowed as he hath not laid out on the Ship or Merchandizes laden thereon, with lawful Intereſt for the ſame, together with the Aſſurance and all other Charges thereon, to the Proportion the Money not laid out ſhall bear to the whole Money lent, notwithſtanding the Ship and Merchandize be totally loſt.

That in all Actions or Suits brought or commenced after the ſaid firſt of *Auguſt* by the Aſſured, upon any Policy of Aſſurance, the Plaintiff in ſuch Action or Suit, or his Attorney, &c. ſhall, within fifteen Days after he or they ſhall be required ſo to do in Writing by the Defendant

dant or his Attorney, *&c.* declare in Writing the Sums he hath aſſured in the whole, and what Sums he hath borrowed at *Reſpondentia*, or Bottomry, for the Voyage or any Part of the Voyage in Queſtion in ſuch Suit or Action.

That after the ſaid firſt of *Auguſt*, any Perſon, *&c.* ſued in any Action of Debt or Covenant, *&c.* on any Policy of Aſſurance, may bring into Court any Sums of Money, and if the Plaintiff ſhall refuſe ſuch Sum of Money, with Coſts to be taxed, in full Diſcharge of ſuch Action, and ſhall afterwards proceed to Trial, and the Jury ſhall not aſſeſs Damage to ſuch Plaintiff, exceeding the Sum ſo brought into Court, ſuch Plaintiff ſhall pay to ſuch Defendant Coſts to be taxed.

That this Act ſhall not extend to, or be in force againſt any Perſons reſiding in any Parts in *Europe* out of his Majeſty's Dominions, for whoſe Account Aſſurances ſhall be made before the twenty-ninth of *September* 1746; nor againſt Perſons reſiding in any Parts of *Turky*, *Aſia*, *Africa* or *America*, for whom Aſſurances ſhall be made before the twenty-ninth of *March* 1747.

By the 21 *Geo.* 2. *c.* 4. Inſurance on Ships or Goods appertaining to the Crown or Subjects of *France*, or lending them Money on Bottomry, is prohibited; but as the Duration of this Act was reſtrained to the time of the late War, it is now become void.

By the 25 *Geo.* 2. *c.* it is enacted, that after the firſt of *May* 1752, all and every Perſon or Perſons, Bodies politic or corporate, being Subjects of his Majeſty in *Great Britain* or *Ireland*, or elſewhere, and all other Perſons reſiding within *Great Britain*, ſhall be reſtrained and prohi-

bited from under-writing any Policy or Policies of Aſſurance, or lending any Money on Bottomry or *Reſpondentia*, upon any foreign Ship or Ships trading to or from the *Eaſt Indies*, and other Places beyond the Cape of *Good Hope*, within the Limits of Trade granted to the united Company of Merchants of *England* trading to the *Eaſt Indies*, or of or upon any Goods, Merchandizes or Effects laden on board any ſuch Ship or Ships not belonging to any Companies, Societies or Corporations which were eſtabliſhed or had carried on ſuch Trade, or to any Perſon or Perſons who had carried on ſuch Trade by Virtue of any Charter, Licence or Authority from their reſpective Sovereigns before the ſeventh Day of *October* 1748; and that all Contracts by which any *Præmium* ſhall be taken for ſuch Policy or Policies upon any ſuch Ship or Ships, or any Goods, Merchandizes or Effects laden or to be laden thereon, and every Agreement concerning the Event of the Voyage of ſuch foreign Ship or Ships, and all Bonds for any Sum or Sums of Money lent or advanced by way of Bottomry or *Reſpondentia* on the ſame ſhall be void, and that the Perſons, *&c.* who ſhall enter into ſuch Contracts ſhall forfeit and pay treble the Sum inſured or lent as above: But this Act ſhall not extend to prohibit Inſurances on ſuch Ships, Goods, *&c.* as ſhall belong to the Subjects of ſuch Sovereigns who before the ſeventeenth of *October* 1748 have granted Charters, Licences or Authorities to trade within the ſaid Limits, and whoſe Subjects were actual Traders therein at that time by Virtue of ſuch Charters, *&c.* (to continue in force for ſeven Years.)

*The*

*The* Policy of Inſurance *is commonly printed and muſt be upon ſtamped Paper; the Form is generally as follows:*

In the Name of God, *Amen*, or, Know all Men by theſe Preſents, that *A. B.* of, *&c.* Merchant, as well in his own Name, as for and in the Name and Names of all and every other Perſon and Perſons, whom the ſame may or ſhall concern, doth make Aſſurance, and hereby cauſe himſelf and them, and every of them, to be aſſured, loſt or not loſt, at and from the Port of *London* to, *&c.* in the Kingdom of, *&c.* and at and from thence back to *London*, upon any kind of Goods and Merchandizes whatſoever, loaden or to be loaden aboard, (or if the Inſurance be made on the Ship the Words are, upon the Body, Tackle, Apparel, Ordnance, Munition, Artillery, Boat, and other Furniture) of and in the good Ship *Frederick*, Burthen, *&c.* or thereabouts, whereof *C. D.* for the preſent Voyage is Maſter, under God; beginning the Adventure upon the ſaid Goods and Merchandizes or Ship, from and immediately following the Day of the Date hereof, and ſo to continue and endure until the ſaid Ship with the ſaid Goods or Merchandizes, or with her ſaid Tackle, Apparel, Ordnance, Munition, Artillery, Boat, and other Furniture, ſhall be arrived at, *&c.* as aforeſaid, and during her Abode and Stay there, and further until the ſaid Ship, with all her Tackle, Apparel, *&c.* ſhall be arrived back at *London*, and hath there landed the ſaid Goods or Merchandizes, or moor'd at Anchor twenty-four Hours; and it ſhall be lawful for the ſaid Ship in this Voyage

to proceed and sail to, and touch and stay at, any Ports or Places whatsoever, &c. without Prejudice to this Assurance. The said Goods and Merchandizes or Ship, &c. for so much as concerns the Assured, are and shall be rated and valued at, &c. Sterling, without further Account to be given by the Assurers for the same: And touching the Adventures and Perils, which we the Assurers are content to bear, and do take upon us in this Voyage, they are of the Seas, Men of War, Fire, Enemies, Pirates, Rovers, Thieves, Jetsons, Letters of Marque and Countermarque, Reprisals, Takings at Sea, Arrests, Restraints, and Detainments of all Kings, Princes, and People, of what Nation, Condition or Quality soever, Barratry of the Master and Mariners, and all other Perils, Losses and Misfortunes that have or shall come to the Hurt, Detriment or Damage of the said Goods and Merchandizes or Ship, &c. or any Part thereof. And in case of any Misfortune, it shall be lawful for the Assureds, their Factors, Servants and Assigns, to sue, labour and travel for, in and about the Defence, Safeguard, and Recovery of the said Goods and Merchandize or Ship, &c. or any Part thereof, without Prejudice to this Assurance; to the Charges whereof, we the Assurers will contribute each of us according to the Rate and Quantity of his Sum herein assured. And it is agreed by us the Insurers, that this Writing or Policy of Assurance shall be of as much force and effect as the surest Writing or Policy of Assurance heretofore made in *Lombard-Street*, or elsewhere in *London*. And so we the Assurers are contented, and do hereby promise, and bind our selves, (each for his own Part) our Heirs, Executors, Goods

Goods and Chattels, to the Assureds, their Executors, Administrators and Assigns, for the true Performance of the Premises; confessing our selves paid the Consideration due to us for this Assurance, by *E. F. G. H. &c.* at and after the Rate of, *&c. per Cent.* and in case of a Loss, to abate, *&c. per Cent.* and to pay without farther Proof of any Interest whatsoever, more than this present Policy; any Use or Custom to the contrary notwithstanding. *In Witness* whereof we the Assurers have subscribed our Names and Sums by us severally assured, *viz.*

I *R. K.* am contented with this Assurance for one Hundred Pounds, *London*, 3d *September* 1752, 100*l.*

*N. B.* The Assurers generally omit the Words, *am contented with this Assurance for*, and only subscribe their Names with their respective Sums; and the Assureds chuse to have the Policy underwrit by several Hands when a private Security is taken, in order to have a more certain Security. These private Under-writers daily resort to private Offices where these Policies are duly registred, and remain Vouchers of such Transactions.

We have likewise Assurances for Life, in virtue whereof, when the Person assured dies, a Sum of Money becomes payable to the Person in whose behalf the Policy of Assurance was granted.

CHAP.

## CHAP. VIII.

### *Concerning Bankrupts.*

A Bankrupt is a Trader who having gotten other Perſons Goods into his Hands, and waſted them, is not able to make a ſufficient or immediate Satisfaction, but concealeth himſelf from Creditors, or commits ſome other Act of Bankruptcy: And in general every Perſon who gets his Living by buying and ſelling may, upon his failing in Trade, fall under a State of Bankruptcy.

The Subſtance of our Statutes relating to Bankrupts is as follows;

34 *H.* 8. *c.* 4. enacts, that the Lord Chancellor, Treaſurer, *&c.* ſhall take order with a Bankrupt's Body, Lands and Goods, for Payment of his Debts.

13 *E. c.* 7. That every Merchant or other Perſon, being a Subject of this Realm, or any of the Queen's Dominions, who ſhall uſe the Trade of Merchandize by way of Bargaining, Exchange, Bartery, Chevizance, or otherwiſe, by groſs or by retail, or ſeek his Living by buying or ſelling, or exerciſing any Trade, departing the Realm, keeping up in his Houſe or concealing himſelf, taking Sanctuary, abſenting himſelf or departing from his dwelling Houſe, ſuffering himſelf to be outlawed or yielding himſelf up to Priſon, or ſuffering himſelf to be falſly arreſted, to defraud his Creditors, ſhall be deemed a Bankrupt. The Lord Chancellor, upon

upon a Complaint in Writing againſt a Bankrupt, to appoint Commiſſioners to ſell his Lands, as well Copy as Free, Annuities, Goods, Chattels, Debts, &c. Commiſſioners have Power to convene Perſons ſuſpected to have any of the Bankrupt's Effects. Perſons refuſing to diſcloſe, or detaining Lands, &c. to forfeit double the Value. If the Perſon indebted abſent himſelf after five Proclamations by Commiſſioners, to be out of the King's Protection, and Perſons concealing him to be impriſoned and fined. The Creditor not ſatisfied may afterwards take his Courſe at Law.

1 *J.* 1. *c.* 15. By this Statute a Perſon fraudulently procuring himſelf to be arreſted, or his Goods, Money or Chattels to be attached or ſequeſtred, or making any fraudulent Grant or Conveyance of his Lands, &c. whereby his Creditors may be defeated or delayed in the Recovery of their juſt Debts, or being arreſted for Debt ſhall lie in Priſon ſix Months, on that Arreſt, or any other for Debt, ſhall be adjudged a Bankrupt. A Creditor ſhall be received if he comes in, in four Months. Grants of Land, &c. of a Bankrupt in other Mens Names, except to Children upon Marriage, or for valuable Conſideration, void. If upon Warning left at the uſual Place of Reſidence, three times, the Bankrupt do not appear, five Proclamations to be made, &c. Refuſing to be examined ſhall be committed. Committing Perjury to ten Pounds Prejudice of Creditors to ſtand in the Pillory. Perſons ſuſpected of detaining any of the Eſtate, not appearing, to be arreſted, and ſtill refuſing to be committed. Commiſſioners may aſſign Debts, &c. to the Creditors, and proceed to Execution

tho'

tho' the Bankrupt dies. Commiſſioners to render the Bankrupt an Account, and to pay Overplus, &c.

21 *J.* 1. *c.* 19. All the Statutes and Laws made againſt Bankrupts for the Relief of Creditors to be largely and beneficially conſtrued and expounded for the Aid and Relief of the Creditors. This and all former Acts relating to Bankrupts to extend to Strangers born, as well Aliens and Denizens, as effectually as to natural born Subjects; as well to make them ſubject to the Laws relating to Bankrupts, as to make them capable of the Benefit or Contribution as Creditors by thoſe Laws. Trading Perſons and Scriveners getting Protection, except of Members of Parliament, Perſons endeavouring to compel Creditors to take leſs than their due, or to gain time beyond ſix Months, the Debt being one hundred Pounds and the Debtor arreſted, or after Arreſt lying in Priſon two Months, or eſcaping out of Priſon, or procuring his Enlargement by hired Bail, &c. adjudged Bankrupts. Bankrupt's Wife to be examined on Oath. Bankrupts fraudulently concealing to ſtand on the Pillory. Commiſſioners may break open Bankrupt's Houſe, Cheſts, &c. Another Man's Goods in the Bankrupt's Poſſeſſion to be diſtributed. No reſpect to be had to Debts upon Judgment, Recognizances or Specialties, beyond other Debts.

12 & 14 *Car.* 2. *c.* 24. & 9. 7 & 8 *W.* 3. *c.* 31. 8 & 9 *W.* 3. *c.* 19. 10 *W.* 3. *c.* 44. 4 & 5 *Ann.* *c.* 13. 7 *Ann.* *c.* 7. 3 *Geo.* 1. *c.* 8. 5 *Geo.* *c.* 24. Adventurers in the *Eaſt-India* or *Guinea* Company, and no Member of any Society or Company to be adjudged a Bankrupt in reſpect of

of his Stock, and the Stock not liable to foreign Attachment by the Cuſtom of the City of *London* or otherwiſe. No Farmer, Graſier, Drover or Receiver General of Taxes entitled to the Benefit of the Acts relating to Bankrupts.

10 *Ann. c.* 15. The Deſcriptions of a Bankrupt in the Act 21 *J.* 1. being prejudicial to Trade, this Statute makes all Deſcriptions of Bankrupts void. But no Sale of Eſtates to be impeached.

6 *Geo.* 1. *c.* 21. 7 *Geo.* 1. *c.* 31. A Bankrupt in Priſon on Execution for Debt, to be diſcharged, producing his Certificate. Perſons having Bills or Notes upon Bankrupts, due at a Day to come, intitled to Dividends allowing Diſcount at five *per Cent.*

5 *Geo.* 2. *c.* 30. By this Statute Bankers, Brokers and Factors are liable to the Statutes concerning Bankrupts.

If a Trader makes a private Agreement with a Creditor, or prevails with him to take out a Commiſſion, in Conſideration of his being paid his whole Debt, or more than the reſt of the Creditors, he commits an Act of Bankruptcy which will ſuperſede the Commiſſion; and the Creditor receiving ſuch Satisfaction to loſe his whole Debt and the Money received, which ſhall be paid to ſuch Perſons as the Commiſſioners appoint in truſt for the Bankrupt's Creditors.

Bankrupts not ſubmitting to be examined thirty Days after Notice, and not diſcovering how they have diſpoſed of their Goods, and all Books, Papers, *&c.* delivering up to the Commiſſioners all ſuch Eſtate, &c. except their Wives and Childrens neceſſary wearing Apparel, to ſuffer as Felons. Lord Chancellor may enlarge the time

time for ſurrendering to ſixty Days. Commiſſioners to ſend for Perſons, &c. not appearing, or refuſing to be ſworn, to be committed. On Certificate of the Commiſſioners the Bankrupt to be apprehended. Perſons conforming to be allowed 5*l. per Cent.* not exceeding 200*l.* if Eſtates pay 8*s.* in the Pound. Perſons concealing Eſtates in Truſt to forfeit 100*l.* Perſons diſcovering Bankrupts Eſtates to be allowed three *per Cent.* No Advantage to Bankrupts giving above 100*l.* in Marriage with Children, unleſs at the time they could ſatisfy their Debts.

Bankrupts removing, concealing or imbeziling any Monies or Effects to the Value of 20*l.* guilty of Felony. Commiſſioners to aſſign to ſuch as ſhall be choſen by the major part of the Creditors. Aſſignees before appointed refuſing to aſſign to them, to forfeit 100*l.* Aſſignees, or the major part of them, to compound with Debtors. No Commiſſion of Bankruptcy to be iſſued out, unleſs the Debt of one Creditor petitioning amounts to 100*l.* or the Debts of two Creditors amount to 150*l.* or of three Creditors amount to 200*l.* And Bond to be given in 200*l.* to prove the Party a Bankrupt. Receivers General of Taxes to have no Benefit of theſe Acts.

Bankrupts within thirty Days after Notice to ſurrender themſelves to Commiſſioners, and conform to the Statutes. The Commiſſioners to call before them Perſons who can give Account of Acts of Bankruptcy, &c. Truſtees for the Bankrupt and others to diſcover Truſts, &c. or forfeit 100*l.* Three ſeveral Meetings to be appointed by the Commiſſioners, who are to certify to the Lord Chancellor that the Bankrupt hath conformed, and four parts in five in Number

and

and Value of Creditors to ſign the Certificate. Commiſſions, *&c.* to be enrolled at an Office erected for that purpoſe, and the Commiſſioners to have 20*s. per Diem*, *&c.*

Bankrupts not ſurrendering in forty-two Days, and not diſcovering Eſtates, adjudged guilty of Felony; but the Lord Chancellor may enlarge this time fifty Days further. Bankrupts to deliver all Books of Accounts, Writings, *&c.* to Aſſignees upon Oath, and to be allowed 5*l. per Cent.* not above 200*l.* if they pay 10*s.* in the Pound, and 7*l.* 10*s. per Cent.* not above 250*l.* if they pay 12*s.* 6*d.* in the Pound, *&c.* The Body of the Bankrupt only, not his future Eſtate, to be diſcharged, except he pay 15*s. per* Pound. Four parts in five in Number and Value of Creditors to ſign Certificates, *&c.* Bonds or Notes given to conſent to any Certificate, to be void; and if the Creditor ſuing out any Commiſſion has privately more than others, the Commiſſion ſhall be ſuperſeded. Bankrupts to be apprehended on a Commiſſion iſſued, *&c.* Perſons that diſcover their Eſtates allowed 5*l. per Cent.* and concealing Truſts ſhall forfeit 100*l.* and double Value. Notice muſt be given to Creditors to meet and chuſe Aſſignees, prove Debts, *&c.* but none to vote whoſe Debt is under 10*l.* New Aſſignees may be choſen by the Creditors; Aſſignees after the End of four Months and within twelve Months to account, and Dividend to be made; and there may be a ſecond final Dividend in eighteen Months, *&c.* Commiſſioners to take an Oath, allowed 20*s.* a Day, and nothing for Expences: Attornies Bills to be adjuſted by a Maſter in Chancery.

Bankers,

Bankers, Brokers and Factors are ſubject to Statutes of Bankrupts; but no Farmer, Grazier or Receiver General of Taxes ſhall be deemed a Bankrupt. Continued by 9, 16 & 24 *Geo.* 2. until the firſt of *September* 1757.

19 *Geo.* 2. *c.* 32. No Perſon who is *bona fide* a Creditor of any Bankrupt for or in reſpect of Goods *bona fide* ſold to ſuch Bankrupt, or of any Bill of Exchange *bona fide* drawn, negociated or accepted by ſuch Bankrupt, in the uſual ordinary Courſe of Trade, ſhall be liable to repay the Aſſignee any Money which before the ſuing forth of ſuch Commiſſion was *bona fide*, and in the uſual Courſe of Trade, received by ſuch Perſon of ſuch Bankrupt, before the Perſon receiving the ſame ſhall have Notice that he is become a Bankrupt, or is inſolvent in Circumſtances.

The Obligee in any Bottomry or *Reſpondentia* Bond, and the Aſſured in any Policy of Inſurance made and entered into, upon a valuable Conſideration *bona fide*, ſhall be admitted to claim, and after Loſs to prove his Debt, as if the Loſs had happened before the Date of the Commiſſion againſt the Obligor or Inſurer, and the Bankrupt ſhall be diſcharged from ſuch Bond and Policy, and have the Benefit of the ſeveral Statutes againſt Bankrupts, as if the Loſs had happened or the Money had become payable before the Date of the Commiſſion.

24 *Geo.* 2. *c.* For Remedy of the many Abuſes which have been committed by Bankrupts and Perſons who, with their Privity, have attempted to prove fictitious and pretended Debts under Commiſſions of Bankruptcy, in order that ſuch Perſons might be enabled to ſign their Conſent

ſent to the Certificate for diſcharging ſuch Bankrupts from their Debts, &c. it is enacted, that if any Perſons ſhall fraudulently ſwear or depoſe, or being of the People called Quakers affirm, before the major part of the Commiſſioners named in any Commiſſion of Bankruptcy, or by Affidavit or Affirmation exhibited to them, that a Sum of Money is due to him or her from any Bankrupt or Bankrupts, which ſhall in fact not be really and truly ſo due and owing; and ſhall, in reſpect of ſuch fictitious and pretended Debt, ſign his or her Conſent to the Certificate for ſuch Bankrupt's Diſcharge from his Debts; that in every ſuch Caſe, unleſs ſuch Bankrupt ſhall, before ſuch time as the major part of the ſaid Commiſſioners ſhall have ſigned ſuch Certificate, by Writing by him to be ſigned and delivered to one or more of the ſaid Commiſſioners, or to one or more of the Aſſignees of his Eſtate and Effects, under ſuch Commiſſion diſcloſe the ſaid Fraud, and object to the Reality of ſuch Debt, ſuch Certificate ſhall be null and void to all Intents and Purpoſes, and ſuch Bankrupt ſhall not in that caſe be intitled to be diſcharged from his Debts, or to have or receive any of the Benefits or Allowances given or allowed to Bankrupts by the ſaid Act of the fifth Year of his preſent Majeſty's Reign.

And when any Creditor or Creditors of any Bankrupt reſide in foreign Parts, the Letter of Attorney of ſuch Creditor, atteſted by a Notary Publick in the uſual Form, ſhall be a ſufficient Evidence of the Power and Authority by which any thereby authorized ſhall ſign any Bankrupt's Certificate.

Bankers, Brokers and Factors are ſubject to Statutes of Bankrupts; but no Farmer, Grazier or Receiver General of Taxes ſhall be deemed a Bankrupt. Continued by 9, 16 & 24 *Geo.* 2. until the firſt of *September* 1757.

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Upon theſe Statutes all Proceedings concerning Bankrupts, both in the Courts of Law and Equity, are founded. I ſhall now add a few Determinations from the Books of Reports.

Where there are Partners in Trade, and one breaks, you ſhall not charge the other with the whole, but the Eſtate belonging to the joint Trade ought to be divided, *&c.* *Mod. Rep.* 45.

Acts diſcharging Bankrupts ſhall not diſcharge any Partner in Trade, or one jointly bound with the Bankrupt. 1 *Danv. Abr.* 686.

Offices of Inheritance may be ſold, but not Offices of Truſt, annexed to the Perſon for Life. Aſſignees may bring Actions for Debt due to the Bankrupt, in their own Name, *&c.* But if the Commiſſion be not taken out within ſix Years, directed by Law for ſuing of Debts, and the Aſſignment made within that time, a Defendant in Action may plead the Statute of Limitations: If the Commiſſion be taken out in ſix Years, the Statute preſerves the Debt, being to relieve Creditors againſt Fraud. 1 *Saund.* 37.

If a Debtor to a Bankrupt pays him his Debt voluntarily, he muſt pay it over again; but it is otherwiſe in caſe of Payment by compulſion of Law. *Vernon, Caſe* 80. *p.* 94. *&* 2 *Vent.* 258. Sureties or Bail, when they have paid the Debt, may come in as Creditors; but Mortgagees, or Perſons that have a Pledge of the Bankrupt's Goods, having Security for their Debts in their Hands, are not Creditors within the Statutes. Thoſe who attach Goods of the Bankrupts are to come in as Creditors. If an Executor becomes Bankrupt, a Legatee is to be Creditor.

In the Diſtribution of the Bankrupt's Eſtate, no reſpect is to be had to Debts upon Judgment,

Recognizances or Specialties, beyond other Debts. After four Months, and Diſtribution made, no Creditor can come in to diſturb it; but he may come in for the Reſidue of which no Diſtribution is made. 1 *Danv.* 693. But the Court of Chancery hath ſometimes allowed Creditors to come in after Diſtribution, upon particular Circumſtances which have happened. *Chan. Rep.* 307.

If the Commiſſioners refuſe to pay a Creditor his proportionable Part, he may bring an Action of Debt, or be more properly relieved in Chancery: Where the Commiſſioners do not purſue the Acts of the Commiſſion, the Party injured muſt bring his Action and ſet forth the finding of the Commiſſioners that the Debtor is a Bankrupt. But if a Commiſſion is not duly obtained againſt a Perſon, he may traverſe by ſaying that he is not a Bankrupt. 8 *Rep.* 121.

If a Merchant gives over Trade, and ſome Years after becomes inſolvent for Money owed while a Merchant, he is a Bankrupt; but if it be for new Debts, or old Debts continued on new Securities, it is otherwiſe. 1 *Vent.* 5, 29.

If after a plain Act of Bankruptcy, one goes abroad and is a great Dealer, yet this will not purge the firſt Act of Bankruptcy; tho' if he pays off, or compounds with his Creditors, he is become a new Man. 1 *Salk.* 110.

A Banker, who has many Peoples Money in his Hands, refuſes Payment yet keeps his Shop open, and, as often as he is arreſted, gives Bail; by this means he may give preference of Payment to his Friends; and if, when he has done, he runs away, ſuch Payment ſhall ſtand againſt a Commiſſion of Bankruptcy. *Farreſt. Rep.* 139.

The Commiſſioners of Bankrupts have Power to adjudge a Man a Bankrupt; yet, in an Action, the Jury muſt find whether he was ſo or not. 1 *Danv.* 687.

The Commiſſioners are to ſell all the Bankrupt's Lands in Fee, for Life, or Years, &c. and it will be binding againſt the Bankrupt and his Iſſue. 1 *Lill. Abr.* 204. They may ſell all entailed Lands in Poſſeſſion, Reverſion or Remainder, except entailed in the Crown of the King's Gift; and this ſhall bind the Iſſue in Tail, and all others, which a common Recovery might cut off. *Ibid.* 205. Sales of Bankrupts Lands by Commiſſioners are to be by Deed inrolled. If a Bankrupt grants his Lands or Goods in the Names of other Perſons, the Commiſſioners notwithſtanding may make Sale of them; but not Lands, &c. conveyed *bona fide*, before the Party became a Bankrupt. *Wood's Inſt.* 310. No Purchaſe of Lands ſhall be impeached, unleſs the Commiſſion of Bankrupts be ſued out within five Years after a Man becomes Bankrupt. Lands held by a Bankrupt in Joint-tenancy, may be ſold as to the Moiety: Alſo Lands which a Man hath in Right of his Wife (but not her Dower.) The Commiſſioners may ſell Lands deviſed to a Bankrupt. They alſo have power to ſell Lands mortgaged on Tender and Payment of the Mortgage Money. 2 *Rep.* 25. Aſſignees have the Benefit of Covenants of Re-entry, &c. on Lands.

Equity will not compel a Man to diſcover what Goods he really bought of a Bankrupt, after the Bankruptcy and before the Commiſſion ſued, where the Party has no notice of the Bankruptcy. *Vernon, Caſe* 23.

A Bond

A Bond given by a Bankrupt to leave his Wife a Sum of Money, in caſe of Survivorſhip, is not diſcharged by the Certificate. *Lord Raym.* 1549.

Creditors by Bond, before the Day of Payment cannot take out a Commiſſion of Bankruptcy. *Peere Williams, Caſe* 178.

A Bankrupt tho' in Poſſeſſion, yet if impowered to diſpoſe of Goods in Truſt for another, they are not liable to the Bankruptcy, either in Law or Equity. *Copeman* verſ. *Gallant*, 1 *Peere Will. Caſe* 81.

An Huſband before he has received his Wife's Fortune becomes a Bankrupt, the Aſſignees ſhall not receive it without making ſome Proviſion for the Wife. 1 *Peere Will. Caſe* 100. *Jacobſon & al'* verſ. *Williams.*

Tho' a Creditor comes into a Commiſſion of Bankruptcy and proves his Debt, and is prevailed on to be an Aſſignee, yet, if the Bankrupt has no Eſtate, the Creditor may take the Bankrupt in Execution if he will wave any Benefit of the Statute. 1 *Peere Will. Caſe* 163. The Reaſon of a Creditor's coming in under a Commiſſion of Bankruptcy and proving his Debt, may be to oppoſe the Bankrupt's being diſcharged. *Ibid.*

A Bankrupt's Wife cannot be examined againſt her Huſband to prove his Bankruptcy, but ſhe may by *Stat.* 21 *Jac.* 1. be examined touching the Diſcovery of her Huſband's Effects. 1 *Peere Will. Caſe* 178.

A Bankrupt himſelf, by *Stat.* 5 *Geo.* 1. may be examined touching his own Bankruptcy. *Ibid.*

The Creditors of a Bankrupt who come into the Commiſſion ſhall not impriſon the Bankrupt for not paying the Debt. *Ibid.*

A Creditor petitions againſt the Allowance of a Bankrupt's Certificate, and the Bankrupt thereupon gives him a Bond for the Payment of his whole Debt, in conſideration of withdrawing his Petition; Equity will not relieve againſt this Bond. *Peere Will. Caſe* 181. *Lerves* verſus *Chaſe.*

A Creditor coming in under a Commiſſion of Bankruptcy, tho' only to prove his Debt and oppoſe the Bankrupt's obtaining his Certificate, yet he ſhall not ſue the Bankrupt at Law, unleſs he will wave all Benefit of the Commiſſion, not only as to the Dividends but alſo as to his voting againſt the Bankrupt's gaining his Certificate. 2 *Peere Will. Caſe* 123. *Anonymous.*

Where a Bankrupt after a Certificate allowed is ſued for a Debt due before his Bankruptcy, the Court on the Circumſtances of the Caſe will relieve, tho' it will not relieve on a Matter purely of miſpleading. 2 *Peere Will. C.* 13. *Blackall* verſus *Combs.*

One deviſes Lands in Fee to his Daughter, being a Feme Covert, for her ſeparate uſe, without appointing any Truſtees, the Huſband is a Tradeſman and becomes a Bankrupt, yet the deviſed Premiſes are not ſubject to the Bankruptcy. 2 *Peere Will. Caſe* 91. *Bennet* verſus *Davis.*

A Trader on Marriage gives a Bond to a Truſtee to ſecure 1000*l.* to the Wife if ſhe ſurvive him, the Trader becomes a Bankrupt, this Debt ſhall not be allowed, nor any Reſervation made for it, nor ſhall it ſtop the Diſtribution, in regard it may never be a Debt: With the ſame reaſon an Obligee in a Bottomry Bond ſhall not, before the Return of the Ship, come in under a Commiſſion of Bankruptcy; but in either Caſe, if

if the Contingency happens before the Bankrupt's Eſtate be juſtly diſtributed, ſuch Creditor ſhall come in for his Proportion. 2 *Peere Will. Caſe* 159.

On a joint Commiſſion againſt two Partners Bankrupts, the ſeparate Creditors, tho' they have taken out ſeparate Commiſſions, ſhall be at Liberty to come in to oppoſe the allowing of the Certificate. 3 *Peere Will. Caſe* 7.

Where two Partners are Bankrupts, and a joint Commiſſion is taken out againſt them, if they obtain an Allowance of their Certificate, this ſhall bar as well their ſeparate as their joint Creditors. *Ibid.*

One not in Debt, nor then a Trader, makes a voluntary Settlement on a Child, and afterwards becomes a Trader and a Bankrupt, this Settlement is not liable to the Bankruptcy. 3 *Peere Will. Caſe* 75.

If a Man keeps his Houſe for a long time, this does not make him a Bankrupt, but if he conceals himſelf within his Houſe but for a Day or an Hour to delay or defraud his Creditors, he is a Bankrupt. *Palmer* 325.

If there be a Proceſs out againſt a Merchant, and he keeps Houſe to prevent Arreſt, and after goes out to Market and other Places; but hearing of a new Proceſs keeps Houſe again, and after goes out again at large, he is no Bankrupt; the Act of Bankruptcy being purged by his going abroad. *Cro. Eliz.* 13. *Godb.* 25. 1 *Lev.* 13. 2 *Sid.* 177.

If a Man permits himſelf to be outlawed to defraud his Creditors, it is a Cauſe of Bankruptcy. So that, on a Special Verdict, if a Jury

find that he was outlawed, and do not find that it was to defraud his Creditors, that will not make him a Bankrupt. 1 *Keb.* 11.

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## CHAP. IX.

### *Of Marine and other Contracts, and Bottomry.*

A Marine Contract is of Things belonging to the Sea, and doth extend in general to Ships, Goods and Merchandize; and therefore the Laws and Cuſtoms concerning Marine Contracts are not inſerted in any one Place of this Treatiſe, but diſperſed thro' the whole.

But here it may be proper to take ſome Notice of the Contracts and Agreements of Merchants, in extraordinary Caſes: And ſometimes Regal Contracts are made between Kings and Princes and Merchants, relating to Trade and certain Goods and Commodities, which cauſed the Kings of *Portugal* formerly to be called Royal Merchants. Theſe Contracts of Kings are made by Commiſſions granted for that purpoſe to ſome great Officers of the Kingdom, who have thereby Authority to contract with Merchants and others for whatever may be neceſſary. *Lex Mercat.* 89.

The *Civilians* writing of Merchants Contracts make many Diſtinctions therein; but the Conditions agreed upon between them are chiefly conſiderable, and ought to be well declared, to avoid Ambiguity and wrong Conſtructions; and to

to be reciprocal of Things to be performed on both Sides: So that if a Contract be broken, and one Party is damnified, for the want of his Money, or Goods not delivered, whereby he can make no Benefit, but is hindered in his Trade and Commerce; in ſuch caſe he may juſtly demand Recompence for the ſame of the other Party. Tho' this Damage ſuſtained by Merchants or others, for the Non-performance of Contract, cannot be demanded on a Continuance of Time running *ad infinitum*; but muſt be according to the firſt Damage received, as the Party can duly prove the ſame: Therefore when Merchants are contending in many Courts of Equity and Law, where they are delayed Years in continual Suit, to their great Charges; then it tends to the general Interruption of Trade, and the Ruin of Parties in particular; whereas the Law of Merchants hath a ſingular Care to prevent it, and doth many Times (tho' not without ſome Danger) admit the Proof to be made upon the Party's Oath, if Witneſſes be abſent. *Ibid.* 92.

If a Merchant upon a verbal Contract delivers ſome Money unto another Merchant, to be employed by him in purchaſing Commodities, or put forth to Uſe for both their Profits, without any Limitation of Time agreed upon between them for performing it; the Queſtion is, when this Merchant that did deliver the Money, may call for it again? By the *Civil* Law, moſt are of Opinion that the ſame may not be demanded before the Year is expired: But if this Money were delivered to one that maketh a continual Gain by Money, as ſome Goldſmiths do, by taking the ſame for a ſhort Time, or a few Days, and allowing Benefit for it; then there is no doubt

doubt but the Money may be demanded at all times, upon Warning given for the Time. *Ibid.*

Beſides thoſe I have mentioned, there are certain Merchants Contracts, which in regard to the Conditions are called Extravagants; becauſe the Manner of contracting, and the Payment in Purſuance thereof, is ſeldom uſed, and but in ſome Places, which are however made in Writing by notarial Contract, and to make theſe the more authentick and ſure, the Bonds made by each Party to the other in a Sum of Money for Performance thereof, are to be preferred before the Limitation of a Penalty contained in the Contract.

Now I come to *Bottomry*, which is when the Maſter of a Ship borrows Money upon the Keel or Bottom of his Ship, and binds the Ship itſelf that if the Money be not paid by the Day appointed, the Creditor ſhall have the ſaid Ship: And this taking up Money on Bottomry is commonly in Nature of Mortgaging a Ship, and in the Inſtrument there is a Clauſe which expreſſes that the Ship is engaged for the Performance of the ſame.

*Bottomry* is alſo where a Perſon lends Money to a Merchant, who wants it to traffick, and the Lender is to be paid a larger Sum at the Return of the Ship, ſtanding to the Hazard of the Voyage; in regard to which, though the Intereſt be greater than that allowed by Law, it is not Uſury: For Money lent to Sea is allow'd a larger Intereſt than Money advanced on Land, by reaſon tis furniſhed at the Hazard of the Lender, and if the Ship periſhes, he ſhares in the Loſs; ſo that there is no real Security, as in caſe of Lands, *&c.* And the greater the Danger is, the greater may be the Profit reaſonably required for

for the Money lent; and this hath been the Opinion of *Civilians*, and all or moſt Part of the trading Nations in *Chriſtendom* allow it. *Lex Mercat.* 122.

The Security or Contract of Bottomry, as generally made, is juſt and honourable, according to the laudable Practiſe among maritime Perſons; and though the Advantage runs high, as twenty, thirty, or ſometimes forty *per Cent.* without Conſideration of Time; and therefore by the Common Law, if Action be brought on ſuch an Inſtrument, the Defendant cannot plead the Statute of Uſury. And ſo it was held where a Perſon brought an Action of Debt on a Bond for Money taken up on Bottomry; the Defendant pleaded the Statute againſt Uſury, and ſhewed that a certain Ship made a Voyage to fiſh in *Newfoundland*, (which might be performed in eight Months) and the Plaintiff delivered 50*l.* to the Defendant, to pay 60*l.* upon the Return of the Ship to ſuch a Port, and if the ſaid Ship by Leakage or Tempeſt ſhould not return from *Newfoundland* to the ſaid Port, then the Defendant ſhould pay the Principal Money, *viz.* 50*l.* only; and if the Ship never return'd, then nothing ſhould be paid: It was adjudged in this Caſe that the ſame was not Uſury; for if the Ship had ſtaid at *Newfoundland* two or three Years, yet at her Return but 60*l.* was to be paid; and if ſhe never returned, then nothing. *Trin.* 6 *Jac. B. R.* 2 *Cro. Rep.* 208, 209.

But there is a fictitious Way of taking up Money in the Nature of Bottomry, upon Suppoſition of a Ship and Maſter, being the common Practice among the *Italians*, and has been uſed by ſome Perſons on this Side the Water; where a Man

a Man borrows Money, the Condition reciting, whereas there is ſuch a Ship, naming her, bound to *Amſterdam*, whereof ſuch a Man is Maſter, (when indeed there is no ſuch Ship or Maſter) that if that Ship ſhall not arrive at ſuch a Place within twelve Months, the Money agreed on to be paid, ſhall be paid; but if the Ship ſhall arrive, then nothing: This Method of Security is plainly unjuſt, and when made for very large Intereſt, ought to be held unconſcionable and uſurious; and how far ſuch a Contract hath been judged good or not, according to the Common Law, ſee *Hill.* 22 and 23 *Car.* 2. *Jure Marit.* 283, 284.

Where Money is advanced in Bottomry, it is either on the bare Ship, (the common Way) or upon the Perſon of the Borrower, and ſometimes upon both: The firſt being where a Man takes up Money, and obliges himſelf, if ſuch a Ship ſhall arrive at ſuch a Port, to repay it, perhaps ſometimes, in long Voyages, near double the Sum lent, within ſo many Days after the Ship's ſafe Arrival; but if the Ship happens to miſcarry, then to pay nothing. But when Money is lent at Intereſt, it is delivered at the Peril of the Borrower, and the Profit of this is merely the Price of the ſimple Loan; but the Profit of the other, is a Reward for the Danger and Adventure of the Sea, which the Lender takes upon himſelf during the Loan, and that is to be underſtood until the Voyage is ended, and therefore the Intereſt is lawful: Though 'tis alſo to be obſerved, that Money lent at Maritime Intereſt, without Hazard, but upon Security, ſhall pay no Profit, otherwiſe than the Money lent at Intereſt; becauſe the Security is given over and

above

above for the Lender's Aſſurance. *Sea Laws* 206, 207. *Mercat.* 122.

A Maſter of a Ship hath no Power to take up Money by Bottomry, in Places where his Owners dwell, unleſs he is a Part-Owner, and in that caſe he may take up ſo much only as his Part will anſwer in the ſaid Ship: For if he exceeds that, his own Eſtate ſhall ſtand liable to make Satisfaction. But when a Maſter is in a ſtrange Place or Country, where he hath no Owners, nor any Goods of theirs, nor of his own; and for Want of Money which he cannot procure by Exchange or otherwiſe, his Voyage might be retarded, there Money may be taken up upon Bottomry, and all the Owners are liable for it; that is, they are anſwerable by their Veſſel, but not in their Perſons by the Act of the Maſter; and the Owners may have their Remedy againſt ſuch Maſter whom they put in truſt. *Leg. Oleron. c.* 4.

If Money be lent on Ship-board by a Merchant or Paſſenger, and before the Day of Payment the Ship happens to be caſt away, if there be ſuch a Saver as will admit of a Contribution, the Party lending is not to have his whole Money, but it ſhall come into the Average; becauſe if that Money had not been ſo lent, it would have been in common Danger with the reſt: But if the time appointed were paſt before the Miſfortune happened, then the Borrower muſt repay the Lender his whole Money, free from Contribution. And therefore by the Maritime Laws, in caſe the Borrower detains any Money thus lent, beyond the appointed time for the repaying it; he ſhall at his Return in the Voyage, not only pay the Profit agreed on before, but alſo be obliged to augment the ſame, according to the longer

longer time, accrued ſince the Day of Payment. *Leg. Naval. Artic.* 17, 18.

When a Maſter or Owner of a Ship takes up Money on Bottomry, and buys in Lading, but endeavours to defraud the Prince or State of their Cuſtoms, or puts ſuch Goods on board which incur a Forfeiture of the Ship; in ſuch caſe the Borrower only runs the Hazard, and not the Lender. And where Bonds or Bills of Bottomry are ſealed, and the Money is paid, if the Ship receives Injury by Storm, Fire, Enemy, or any other Accident, before the Commencement of the Voyage, then the Perſon borrowing ſhall only run the Hazard; unleſs it be otherwiſe provided, by particular Words, that the Contract is to have its Beginning from the Time of the Sealing. But if the Condition be, that if ſuch a Ship ſhall ſail from *London* to a Port abroad, and ſhall not arrive there, *&c.* then, *&c.* here the Contingency begins not till the Departure. *Leg. Naval. Rhod. Jure Marit.* 281.

Many Maſters of Ships having inſured or taken up Money upon Bottomry, to a greater Value than their Adventure, have ſometimes wilfully caſt away, burnt, or otherwiſe deſtroyed the Ships under their Care; therefore by Statute 10 *Car.* 2. *c.* 6. the Crime was made Felony, and the Perſon or Perſons offending were to ſuffer Death: And this Law was continued by a Statute made in the firſt Year of the Reign of Queen *Anne.*

*Vide* Statutes 4 *Geo.* 1. *c.* 12. and 11 *Geo.* 1. *c.* 29. under the Head *Navigation and Shipping*, and 19 *Geo.* 2. *c.* 37. under the Head of *Aſſurance.*

*A* Bill

*A* Bill of Bottomry *is made as follows:*

To all People to whom theſe Preſents ſhall come, I *A. B.* of, *&c.* Owner and Maſter of the Ship, called, *&c.* of the Burthen of two Hundred Tons, now riding, *&c.* and bound for, *&c.* in the *Weſt-Indies*, ſend Greeting. Whereas I the ſaid *A. B.* am at this time neceſſitated to take up upon the Adventure of the ſaid Ship, called, *&c.* the Sum of one hundred Pounds, for ſetting forth the ſaid Ship to Sea, and for furniſhing her with Proviſions, *&c.* for the ſaid Voyage, which *C. D.* of, *&c.* Merchant, hath on Requeſt lent unto me, and ſupplied me with at the Rate of 20*l.* for the ſaid 100*l.* during the ſaid Voyage. Now know ye, that I the ſaid *A. B.* do by theſe Preſents for me, my Executors and Adminiſtrators, covenant, grant and agree to and with the ſaid *C. D.* his Executors and Adminiſtrators, that the ſaid Ship ſhall with the firſt fair Wind, after the Day, *&c.* of this Inſtant, *&c.* depart from the ſaid River of *Thames*, and ſhall, as Wind and Weather ſhall ſerve, proceed on her Voyage to, *&c.* aforeſaid in the *Weſt-Indies*, and having there tarried until, *&c.* and having the Opportunity of a Convoy, or being ſooner diſpatched, (which ſhall firſt happen) ſhall return from thence, and as Wind and Weather ſhall ſerve, directly ſail back to the River of *Thames* to finiſh and end her ſaid Voyage. And I the ſaid *A. B.* in Conſideration of the ſaid Sum of 100*l.* to me in Hand paid by the ſaid *C. D.* at and before the Sealing and Delivery of theſe Preſents, do hereby bind my ſelf, my Heirs, Executors and Adminiſtrators, my Goods

Goods and Chattels, and particularly the ſaid Ship, with the Freight, Tackle and Apparel of the ſame, to pay unto the ſaid *C. D.* his Executors, Adminiſtrators or Aſſigns, the Sum of 120*l.* of lawful Money of *Great Britain*, within one and twenty Days next after the Return and ſafe Arrival of the ſaid Ship, in the ſaid River of *Thames*, from the ſaid intended Voyage. And I the ſaid *A. B.* do alſo for me, my Executors and Adminiſtrators, covenant and grant to and with the ſaid *C. D.* his Executors and Adminiſtrators by theſe Preſents, that I the ſaid *A. B.* at the time of the Sealing and Delivery of theſe Preſents am true and lawful Owner and Maſter of the ſaid Ship, and have Power and Authority to charge and engage the ſaid Ship as aforeſaid; and that the ſaid Ship ſhall at all times after the ſaid Voyage, be liable and chargeable for the Payment of the ſaid one hundred and twenty Pounds, according to the true Intent and Meaning of theſe Preſents. And laſtly, it is hereby declared and agreed by and between the ſaid Parties to theſe Preſents, that in caſe the ſaid Ship ſhall be loſt, miſcarry, or be caſt away, before her next Arrival in the ſaid River of *Thames* from the ſaid intended Voyage, that then the ſaid Payment of the ſaid 120*l.* ſhall not be demanded or be recoverable by the ſaid *C. D.* his Executors, Adminiſtrators or Aſſigns, but ſhall ceaſe and determine, and the Loſs thereof be wholly born and ſuſtained by the ſaid *C. D.* his Executors and Adminiſtrators; and that then, and from thenceforth, every Act, Matter and Thing herein before contained, on the Part and Behalf of the ſaid *A. B.* to be done and performed, ſhall be utterly void; any thing herein contained to the contrary

contrary thereof in any wiſe notwithſtanding. *In Witneſs*, &c.

Sometimes there is added to this Bill of Bottomry, as a further Security, a ſhort Bargain and Sale of the Ship, *&c.* with a *Proviſo* to be void, on Payment of the Money, and Performance of the Covenants.

*A* Bill of Bottomry, *where the Ship is to go to* ſeveral Ports.

To all People, *&c.* I *A. B.* of, *&c.* Mariner, Maſter and Part-Owner of the good Ship or Veſſel called, *&c.* of *London*, of the Burthen of two hundred Tons or thereabouts, now riding at Anchor in the River of *Thames*, within the Port at *London*, do ſend Greeting: Whereas the ſaid Ship is now bound out upon a Voyage from the ſaid Port, unto the Iſland of *Barbadoes*, and from thence, if Occaſion ſhall be, to the Iſland of *May*, and ſo to return back again to the ſaid Iſland of *Barbadoes*, and thence to *London* to end her Voyage: Now know ye, that I the ſaid *A. B.* for me, my Executors and Adminiſtrators, do covenant and grant, to and with *C. D.* of, *&c.* (who before the Sealing and Delivery hereof, hath paid and advanced unto me the Sum of one hundred Pounds of lawful Money of *Great Britain*, and is contented and agreed to ſtand to, and bear the Adventure of the ſaid Sum upon the Body of the ſaid Ship, during the ſaid Voyage) and to and with the Executors, Adminiſtrators and Aſſigns, by theſe Preſents, that the ſaid Ship, with the firſt good Wind and Weather, after the Day of, *&c.* next enſuing the Date hereof, ſhall

depart from the ſaid River of *Thames*, on the ſaid intended Voyage, and ſhall by God's Grace (the Perils and Dangers of the Sea, and Reſtraint of Princes and Rulers excepted) return into the River of *Thames* from her ſaid Voyage, before the Expiration of fourteen Months, to be accounted from the Date of theſe Preſents; and that the ſaid Ship, in her ſaid intended Voyage, ſhall not ſail or apply unto any other Ports or Places, than thoſe before mentioned herein, unleſs ſhe ſhall be neceſſitated thereto, by Extremity of Weather, or other unavoidable Accident. And that I the ſaid *A. B.* my Executors, Adminiſtrators or Aſſigns, ſhall and will well and truly pay or cauſe to be paid unto the ſaid *C. D.* his Executors, Adminiſtrators or Aſſigns, at, *&c.* the Sum of one hundred and thirty Pounds of lawful Money of *Great Britain*, in reſpect of the Adventure aforeſaid, if the ſaid Ship ſhall go only to the Iſland of *Barbadoes*, and from thence return to *London* to finiſh her ſaid intended Voyage, and the Sum of one hundred and forty Pounds of like Money, if the ſaid Ship ſhall go from thence to the Iſland of *May*, and ſo return again to the ſaid Iſland of *Barbadoes*, and thence to *London* to end her ſaid Voyage; and that within one Month, after the Return of the Hull or Body of the ſaid Ship, into the River of *Thames* from her ſaid Voyage. Provided always, and it is nevertheleſs the true Intent and Meaning of theſe Preſents, that if the ſaid Ship in her ſaid intended Voyage, ſhall happen to be loſt, miſcarry, or be taken by Men of War, or Pirates, that then this preſent Writing or Deed, and every Covenant, Payment, Matter and thing therein contained, on the Part and Behalf of me the ſaid

ſaid *A. B.* to be done, paid and performed, ſhall be void, and of none Effect: And that then I the ſaid *A. B.* my Executors or Adminiſtrators ſhall not be any ways chargeable, or liable to pay the ſaid ſeveral Sums before mentioned, or either of them, or any part thereof to the ſaid *C. D.* his Executors, Adminiſtrators or Aſſigns, but that he and they are to loſe the ſame, and every part thereof; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

And it is agreed by and between the ſaid Parties to theſe Preſents, that in caſe the ſaid Ship ſhall not be returned unto the River of *Thames* from the ſaid intended Voyage, at the end of the fourteen Months, to be accounted from the Date of theſe Preſents; and that at the Expiration of the ſaid fourteen Months, there ſhall not be juſt Proof made of the Loſs, happening within the time aforeſaid: That then I the ſaid *A. B.* my Executors, Adminiſtrators or Aſſigns, ſhall and will within twenty Days, next after the End and Expiration of the ſaid fourteen Months, well and truly pay or cauſe to be paid unto the ſaid *C. D.* his Executors, Adminiſtrators or Aſſigns, at the Place of Payment aforeſaid, the ſaid Sum of one hundred and thirty Pounds, in caſe the ſaid Ship ſhall go unto the Iſland of *Barbadoes* as aforeſaid, and the ſaid Sum of one hundred and forty Pounds, in caſe the ſaid Ship ſhall go unto the Iſland of *May* as aforeſaid; and that the ſaid *C. D.* ſhall not run the Hazard and Adventure of the ſaid Sum by him adventured as aforeſaid, upon the Body of the ſaid Ship, any longer than fourteen Months, to be reckoned and accounted as aforeſaid. *In Witneſs*, &c.

*A* Bottomry Bond *is of the following Form:*

Know all Men by theſe Preſents, that I *A. B.* of the Pariſh of, *&c.* in the County of *Middleſex* Mariner, am held and firmly bound to *C. D.* of, *&c.* in the County aforeſaid Merchant, in two hundred and eighty Pounds of good and lawful Money of *Great Britain*, to be paid to the ſaid *C. D.* or to his certain Attorney, his Executors, Adminiſtrators or Aſſigns; for which Payment well and truly to be made, I bind my ſelf, my Heirs, Executors, and Adminiſtrators, firmly by theſe Preſents ſealed with my Seal: Dated this Day of, *&c.* in the twenty-ſixth Year of the Reign of our Sovereign Lord *George* the ſecond, by the Grace of God, of *Great Britain*, *France* and *Ireland* King, Defender of the Faith, *&c.* and in the Year of our Lord one Thouſand ſeven Hundred and fifty-three.

The Condition of this Obligation is ſuch, that if the above bound *A. B.* his Heirs, Executors and Adminiſtrators, do and ſhall well and truly pay or cauſe to be paid unto the above named *C. D.* his Executors, Adminiſtrators or Aſſigns, the full Sum of one hundred and thirty Pounds of lawful Money of *Great Britain*, at or before the end of one Month next after the Return of the Ship, *&c.* (Burthen, *&c.* whereof the ſaid *A. B.* is Maſter,) from her preſent intended Voyage which ſhe is to make to the Iſland of *Barbadoes*,

*badoes*, and ſafe Arrival in the River of *Thames*; and pay the full Sum of one hundred and forty Pounds of, *&c.* if the ſaid Ship ſhall go to, *&c.* And alſo ſhall and do well and truly obſerve, perform, fulfil, and keep all and every the Covenants, Grants, Articles and Agreements, which on his or their Parts and Behalfs are or ought to be obſerved, performed fulfilled and kept, mentioned and contained, in a certain Writing or Bill of Bottomry of the Date above-written, made by and from the ſaid *A. B.* Part-Owner of the ſaid Ship unto the ſaid *C. D.* in all things according to the true Intent and Meaning of the ſaid Bill of Bottomry, or Adventure; that then this Obligation ſhall be void, or elſe it ſhall remain in full Force and Virtue.

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## CHAP. X.

### *Of Hypothecations of Ships and Salvage.*

TO hypothecate a Ship, is to pawn or pledge the ſame for Neceſſaries: And into whoſe hands ſoever the Ship comes it is liable; ſo if Goods be hypothecated, it will be the ſame.

By the Common Law, a Maſter of a Ship could not impawn the Ship or Goods; for no Property either general or ſpecial, nor ſuch Power is given unto him, by the conſtituting of him Maſter: But by the Civil Law, in Caſes of Neceſſity he may do it rather than the Voyage ſhould be loſt; and the Reaſon of the Civil Law, which allows the Pawning of a Ship for

*A* Bottomry Bond *is of the following Form:*

Know all Men by theſe Preſents, that I *A. B.* of the Pariſh of, *&c.* in the County of *Middleſex* Mariner, am held and firmly bound to *C. D.* of, *&c.* in the County aforeſaid Merchant, in two hundred and eighty Pounds of good and lawful Money of *Great Britain*, to be paid to the ſaid *C. D.* or to his certain Attorney, his Executors, Adminiſtrators or Aſſigns; for which Payment well and truly to be made, I bind my ſelf, my Heirs, Executors, and Adminiſtrators, firmly by theſe Preſents ſealed with my Seal: Dated this Day of, *&c.* in the twenty-ſixth Year of the Reign of our Sovereign Lord *George* the ſecond, by the Grace of God, of *Great Britain*, *France* and *Ireland* King, Defender of the Faith, *&c.* and in the Year of our Lord one Thouſand ſeven Hundred and fifty-three.

The Condition of this Obligation is ſuch, that if the above bound *A. B.* his Heirs, Executors and Adminiſtrators, do and ſhall well and truly pay or cauſe to be paid unto the above named *C. D.* his Executors, Adminiſtrators or Aſſigns, the full Sum of one hundred and thirty Pounds of lawful Money of *Great Britain*, at or before the end of one Month next after the Return of the Ship, *&c.* (Burthen, *&c.* whereof the ſaid *A. B.* is Maſter,) from her preſent intended Voyage which ſhe is to make to the Iſland of *Barbadoes*,

*badoes*, and ſafe Arrival in the River of *Thames*; and pay the full Sum of one hundred and forty Pounds of, *&c.* if the ſaid Ship ſhall go to, *&c.* And alſo ſhall and do well and truly obſerve, perform, fulfil, and keep all and every the Covenants, Grants, Articles and Agreements, which on his or their Parts and Behalfs are or ought to be obſerved, performed fulfilled and kept, mentioned and contained, in a certain Writing or Bill of Bottomry of the Date above-written, made by and from the ſaid *A. B.* Part-Owner of the ſaid Ship unto the ſaid *C. D.* in all things according to the true Intent and Meaning of the ſaid Bill of Bottomry, or Adventure; that then this Obligation ſhall be void, or elſe it ſhall remain in full Force and Virtue.

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Neceſſaries upon the High Sea ſeems to be plain; *viz.* becauſe there may be an invincible Occaſion and Neceſſity at Sea, but not at Land. And the Common Law hath held the Law of *Oleron* reaſonable, that if a Ship be at Sea and takes Leak, or otherwiſe wants Victuals, or other Neceſſaries, whereby ſhe is in Danger, or the Voyage may be defeated, in ſuch caſe the Maſter may impawn for Money or other things to relieve ſuch Extremities, by employing the Money to that end; for he is the Perſon truſted with the Ship and Voyage, and therefore may be reaſonably thought to have that Power implicitly, ſo as not to ſee the whole Voyage loſt. *Leg. Oleron* 22. *Hob. Rep.* 12.

But a Maſter for any Debt of his own cannot pawn or hypothecate the Ship; the ſame being no ways liable but in Caſes of Neceſſity, for Relief and compleating of the Voyage: Nor can he ſell or diſpoſe of the Ship, without a ſpecial Authority or Licence from the Owners; and when he doth hypothecate the Veſſel or Furniture, he ought to have the Conſent and Advice of his Mariners; but when the Ship is well engaged, ſhe is for ever obliged, and the Owners are concluded thereby till Redemption. Tho' ſuch Obligation of the Veſſel muſt be in foreign Parts, or Places where the Calamity attending the Ship is univerſal; and the Maſter may not in every Caſe of Neceſſity impawn the Veſſel or Furniture. *Leg. Oleron, c.* 1, 12. *Jure Marit.* 202.

If a Veſſel in her Voyage happens to be wrecked or caſt away, and the Mariners by their great Pains and Care, recover ſome of the Ruins and Lading; the Maſter in that caſe may pledge the

the ſame, the Produce of which he may diſtribute amongſt his diſtreſſed Mariners, in order to the carrying them home to their own Country: But if the Mariners no way contributed to the Salvage, then their Reward is ſunk and loſt with the Veſſel. And if there be any conſiderable part of the Lading preſerved, the Maſter ought not to diſmiſs his Men, till he hath Advice from the Laders or Freighters, and knows their Pleaſure; for otherwiſe he may be made liable for Damage. *Leg. Oleron, c.* 3.

Where Merchants freight out a Ship at their own Charge, and ſet her to Sea, and it happens afterwards that the Veſſel enters into ſome Harbour, and is there Wind-bound, and the Maſter delay'd in his Voyage till he wants Neceſſaries, the Maſter is not only to write home for Supplies, but he may impawn his Ship or Lading at his Pleaſure, or at leaſt ſuch Goods as he can moſt conveniently raiſe Money on, rather than to loſe his whole Voyage on that Account: And if he cannot pawn the Lading, he may ſell as much thereof as is neceſſary, to anſwer his Occaſions; in all which Caſes his Act obliges. However Orders and Inſtructions are carefully to be followed. *Jure Marit.* 203.

A Ship being in great Diſtreſs upon the Sea, and wanting a Cable, the Maſter contracted with a Perſon for a Cable, which he delivered to him, *&c.* In an Action for the Money, it was held that by the Maritime Law, every Contract of the Maſter implies an Hypothecation, but at Common Law it is not ſo, unleſs it be ſo expreſly agreed: In the Caſe of *Coſter* and *Lewſly* there was an expreſs Hypothecation, and that was in a Place where Hypothecations are allowed,

for it was at *Rotterdam*; and a Maſter may hypothecate either Ship or Goods, becauſe he is intruſted with both, and repreſents the Traders as well as Owners of the Ship. 1 *Salk. Rep.* 34.

In the Caſe of *Johnſon* againſt *Shippen*, a Ship in Diſtreſs on the High Sea in her Voyage, put into *Boſton* in *New England*, and there the Maſter took up Neceſſaries, and by Bill of Sale hypothecated the Ship; and now there being a Suit in the Admiralty againſt the Ship and Owners to compel Re-payment, on a Motion for a Prohibition, the Court of *B. R.* held, that the Maſter could not by his Contract make the Owners perſonally liable, but the Suit againſt the Ship was good, otherwiſe there can be no Remedy by our Law: And to hypothecate Ships is abſolutely neceſſary for the Preſervation of Navigation; for the Maſter can have no Credit abroad, but upon giving Security by Hypothecation. If a Ship in Harbour here in *England* be pawned or hypothecated, the Party ſhall not ſue for it in the Admiralty. *Mich.* 2 *Ann.* 1 *Salk.* 35. *Mod. Caſ.* 79.

As a Maſter has Power to pawn the Ship, upon an extraordinary Occaſion; ſo he may ſubject part of the Ship and Cargo to ſave the whole, and Redemption is a Species of *Salvage*: The Maſter of a Ship doth repreſent the Owners and Freighters, and may detain the Goods for the Freight; and it ſeems very reaſonable, that a Maſter compounding for Goods, under the Circumſtances of a Capture, either by Enemies or Pirates, ſhould be ſatisfied by the Owners: And here the Lord Chief Juſtice *Holt* ſaid, that where a Ship is taken by an Enemy, and no Hopes of retaking; the Maſter may compound for

for a Ranſom, as well as do other things to preſerve the Veſſel. *Mod. Caſ.* 11, 12.

By the Naval Laws of *Oleron*, if a Ship departing with her Lading to any Place abroad, happens in the Courſe of her Voyage to be rendered unfit to proceed therein, and the Seamen ſave as much of the Lading as poſſibly they can; if the Merchants require their Goods of the Maſter, he may deliver them if he pleaſes, they paying the Freight in Proportion to the Part of the Voyage that is performed, and the Coſts of the Salvage: But if the Maſter can readily refit his Veſſel he may do it; and altho' he has promiſed the People who help'd him to ſave the Ship, the third or the half Part of the Goods ſaved, for the Danger they ran therein; yet if ſuch a Cauſe come before any Judicature, it ſhall be conſidered the Pains and Trouble they have been at, and the Reward be accordingly, without any regard to the Promiſes made them by the Parties concerned, in the time of their Diſtreſs. *Leg. Oleron, c.* 4.

If a Ship puts to Sea with Merchants Goods, and there ſhe is diſabled or periſhes by the Fault of the Maſter or his Men; the Goods that are ſaved, ſhall be ſecured in a certain Place free from Danger: But if it be proved by Witneſſes, that the Misfortune was occaſioned by Tempeſt, what remains of the Ship and Goods ſhall be brought to a Contribution; and the Maſter ſhall retain half the Value of the Freight, by the Laws of *Rhodes*. And the ſame Laws have ordained, that if a Ship be ſurprized at Sea with Whirlwinds, or wrecked at Sea, any Perſon ſaving any part of the Wreck, ſhall have one fifth of what he ſaves. *Leg. Rhod. c.* 27, 45.

And

And for the Charges of Salvage very great Allowances have been made; as to the Divers and Salvers, the half, the third, or the tenth of the Things ſav'd, according to the Depth of the Water out of which they were fiſh'd, whether fifteen, eight, or one Fathom: Alſo a tenth part for Salvage on the Coaſt; and the fifth to him that ſaving himſelf, carries ſomething with him. If the Ship only periſh, and the Goods be ſaved, then the Goods ſhall pay the tenth or the fifth, as the Difficulty of the ſaving thereof ſhall require; and Gold, Silver, Silk, and the like, being of eaſy Tranſportation, ſhall pay leſs than Goods of greater Weight and more burthenſome for Carriage, which are in greater Danger. *Sea Laws* 125. *Lex Mercat.* 119.

Where things are caſt up by Shipwreck, or left thro' caſting in Storms, the Laws of *Rhodes* allow to the Finder a fifth part for the ſaving; and in *France* they allow one third part for Salvage: But by the common Cuſtom of Countries, every Perſon of Quality, or Lord of a Manor, *&c.* claims all as his own, if it cometh upon his Land; contrary to ſome Sea Laws, which give it to the Finder. Tho' by the Opinion of Lawyers, the Finders thereof ſhould do therewith, as with other Goods found upon Land; they ought to proclaim the things to be forthcoming to the true Owner or Loſer, and if no Man claim the ſame, then the Finder to keep them to himſelf. *Lex Mercat.* 119.

By Statute 12 *Ann. c.* 18. All Perſons required by Conſtables, *&c.* who ſhall act in the ſaving and preſerving any Ship in Diſtreſs on our Sea-Coaſts, or the Cargoes thereof, ſhall within thirty Days after be paid a reaſonable Reward for the

the ſame, by the Maſter of the Ship or Merchant; in Default whereof, the Ship or Goods ſo ſaved, ſhall remain in the Cuſtody of the Officers of the Cuſtoms 'till Payment be made: And if any Difference ariſe about the Salvage, three Juſtices of Peace ſhall adjuſt the *Quantum* to be paid to the Perſons acting therein, which ſhall be binding to all Parties, and recoverable in an Action at Law.

And if Goods thus ſaved are not claimed in twelve Months, they ſhall be ſold, the Juſtices taking an Account thereof in writing, ſigned by the Officer of the Cuſtoms, into whoſe hands they are ſafely put; and if they be periſhable Goods, are to be forthwith ſold; and after Charges deducted, the Money ariſing by ſuch Sale ſhall be tranſmitted into the *Exchequer*, with a fair Account of the whole, for the Benefit of the Owner, who on Proof of his Property before one of the Barons of the *Exchequer*, ſhall upon his Order receive the ſame.

If any Perſons ſhall moleſt any one in ſaving the Ship or Goods, or when ſaved ſhall deface the Marks of any Goods before the ſame be entered in a Book for that purpoſe; ſuch Perſons ſhall in twenty Days make double Satisfaction to the Party grieved, at the Diſcretion of the two next Juſtices, or in Default thereof ſhall be ſent to the Houſe of Correction for twelve Months. *See* the Remainder of this *Statute* under *Wrecks*.

CHAP.

# CHAP. XI.

## *Of Average and Contribution for Loſs.*

AVerage is commonly uſed by the Law Merchant, to expreſs that Contribution which Merchants and others make towards Loſſes ſuſtained, where Goods are caſt into the Sea, for the Safeguard of the Ship, or of the other Goods and Lives of the Perſons therein, during a Tempeſt: And it is called Average and Contribution, becauſe it is proportion'd and allotted after the Rate of every Man's Goods aboard.

By the ancient Laws and Cuſtoms of the Sea, in a Storm, when there is an extream Neceſſity, the Goods, Wares, Guns, or whatſoever elſe is on board a Ship, may, by conſulting the Mariners, be thrown over-board by the Maſter for the Preſervation of the Ship; and if they conſent not, the Maſter may notwithſtanding command the caſting over-board what Goods or Things he ſhall judge moſt fitting, for the Safety of the reſt, in caſe the Storm and Danger continues: But if there be a Merchant or Supercargo aboard, on Requeſt he ſhould begin firſt; and then the Mariners, who if they imbezil any part to their own Uſe of that which ſhould be caſt over ſhall anſwer double. And if the Merchant refuſes, yet the Maſter and Mariners may proceed without him; but they muſt take Care, that things of the leaſt Value and greateſt Weight be flung over-board: And if the Ship happens to outweather the Storm, and arrives ſafe at her Port of Diſcharge, the Maſter and the greateſt part

of

of the Crew when they come to Land are to make Oath, that the Goods were caſt over-board for no other Cauſe but for the Safety of the Ship; and then the Remainder of the Goods that have obtained Safety, whether they pay Freight or not, muſt come into the Average. *Leg. Oleron, c.* 8. *Leg. Rhod.* 1 & 2.

All the Parties intereſted are to bear the Loſs by a general Contribution; and a Maſter or Purſer of a Ship, ſhall contribute for the Preſervation thereof; alſo the Paſſengers, for ſuch things as they have in the Ship, be they precious Stones, Pearls, or the like: And where Paſſengers have no Goods in the Ship, in regard they are a Burthen to it, 'tis ſaid an Eſtimate ſhall be made of their Apparel, Rings, Jewels, *&c.* towards a Contribution for the Loſs; and generally Money and Jewels, Clothes, and all things in the Ship, (except the Clothes which are borne upon a Man's Body, or Victuals, *&c.* put on Shipboard to be ſpent) are liable to Average and Contribution. And the Goods loſt ſhall be valued, and the Goods and Merchandize ſaved are to be eſtimated; which being known, a proportionable Value ſhall be contributed by the Goods ſaved, towards Reparation of the Goods caſt over-board; and if in the caſting over, or lightning of the Ship, any of the remaining Goods are ſpoiled or receive Injury, the ſame muſt come into the Contribution for the Damage received. *Jure Marit.* 233, 236.

If there happens to be Plate, *&c.* in a Trunk, Cheſt or Bale, at the time of the caſting over Goods, and there is a Supercargo aboard the Ship, he ought to diſcover and give notice of the ſame to the Maſter or Mariners; otherwiſe he

he ſhall be anſwered in the Contribution no more than the bare extrinſick Value appears to be: Tho' the Aſſurers of the Goods do not come off ſo eaſy. And as to the Eſtimation of Goods, in theſe caſes; ſome have held, that in this Regard is had, not to what might be got by the Goods loſt, but what the Damage is by the Loſs of the ſame; and therefore they are not to be eſtimated at the Value they might have been ſold, but at how much they coſt or were bought for: But others ſay the contrary, that the Price is to be ſet down, for ſo much as the Goods might be ſold, at the time when the Ejectment was made. According to the Author of *Lex Mercatoria*, in the rating of Goods by way of Contribution, this order is to be obſerv'd; if they happen to be caſt over-board before half the Voyage is performed, they are to be valued at the Price they coſt; but if after, then at the Price of the reſt, or as the like Goods ſhall be ſold for at the Place of Diſcharge: And the Cuſtom is now general, that the Goods ſaved and loſt ſhall be eſtimated at the Rate for which thoſe ſaved are ſold; Freight and other neceſſary Charges being firſt deducted. *Jure Marit.* 237. *Lex Mercat.* 113.

In caſe a Ship's Gear or Apparel be loſt by Storm, the ſame is not within the Average, but is accounted like unto a Workman breaking or ſpoiling his Tools; unleſs it be in the avoiding of a Danger, as the flinging the Maſt over-board, *&c.* For if to avoid the Danger of a Storm, the Maſter cuts down the Maſts and Sails, which falling into the Sea are loſt, this Damage is to be made good by the Ship and Lading *pro rata*; but 'tis otherwiſe if it happens by the Storm, or other Caſualties. The Laws of *Oleron* ordain, that if

by

by Reaſon of much foul weather the Maſter is conſtrained to cut his Maſts, he is firſt to conſult thoſe aboard the Ship that have Goods and Merchandize in the Veſſel, and tell them it is neceſſary; and frequently Maſters alſo cut their mooring Cables, leaving behind them Cables and Anchors, to ſave the Ship and her Lading: All which things are reckoned and computed, as the Goods are that were caſt over-board, and the Maſter ſhall be paid for them in Proportion by the Merchants. But if any Perſons aboard the Ship deſire the Maſter to put into any Port out of his way for fear of Pirates, and in going out of that Port he loſes Anchors or Cables, thoſe who deſired him to put in there ſhall pay for them. *Leg. Rhod. c.* 2. *Leg. Oleron, c.* 9. *Sea Laws* 135, 136.

The Goods caſt overboard to lighten the Ship make no Derelict, ſo as to be forſaken, or wilfully caſt away. If being ſhipp'd aboard in *England*, ſuch Goods are taken up by another *Engliſh* Ship at Sea, an Action lies to recover the Goods: And where any Goods are thrown overboard, and afterwards recovered again, the Average or Contribution ceaſes; ſaving for ſo much as they ſhall be damnified and made worſe by reaſon of ſuch Ejectment. If before the Goods happen to be recovered, the Owner hath had an Average, he ought to reſtore the Money to thoſe who paid him, deducting for the Loſs he may be at by his Merchandize being damaged. *Ibid.*

Some Sea Ordinances under the Title of Averages, require that the Ship's Utenſils ſhould be firſt thrown over-board; ſuch as old Cables, Fire-wood, Anchors and Guns, which weigh heavy,

heavy, and are not of the greateſt Service; then the Cheſts belonging to the Ship's Crew, as being of leaſt Value; and after them other things: But tho' to prevent the Ruin and Deſtruction of the Perſons aboard, there be a Neceſſity to ſubject the Lading to Ejectment; yet ſome things ſeem to be excepted in ſome Caſes, as Canon and other Inſtruments, or Proviſions conſign'd to relieve a City in time of War, ought not to be flung over-board; for in this Caſe, the Law impoſeth on every Subject, that he prefer the urgent Service of his Prince before the Safety of his Life. *Sea Laws* 133. *Jure Marit.* 238.

If a Ship or Veſſel be indiſcreetly ſtowed with Goods, or the Lading is above the Birth-mark, and an Ejection happens; by the Maritime Laws, no Contribution ſhall be made, but Satisfaction is to be anſwered by the Ship-Maſter or Owners. Where Goods or Merchandizes are laden above the Overlope of the Ship, or forbidden Goods are put on board; and ſuch Goods happen to be the Cauſe of any Danger or Damage, the Maſter ſhall bear the Loſs, and he may be alſo proſecuted for the ſame: If the Maſter having received his Compliment of Goods, takes in things without Leave of the Freighters, and a Storm ariſes at Sea, in which part of their Goods are thrown over-board; the Maſter only ſhall anſwer it, and there ſhall be no Average. And for Goods brought ſecretly into the Ship, without the Knowledge of the Maſter or Purſer, if they are ejected, Contribution ſhall not be had. *Leg. Rhod.*

A Ship being taken at Sea, the Maſter to get the Ship and Lading out of the Enemies hands, engages

engages to pay a Sum of Money, as a Security for the Performance whereof he puts himſelf in the Cuſtody of the Captor; here the Maſter ſhall be redeem'd at the Coſts and Charges of the Ship and Lading, according to every Man's Intereſt, by a Contribution. So where a Pirate takes part of the Goods and Merchandize to ſpare the reſt, Contribution muſt be paid; but if he take the ſame by Violence, the reſt are not ſubject to Average, unleſs the Merchant hath made an expreſs Agreement to pay it after the Ship is robbed: Tho' where an Enemy takes Goods, or they are taken by Letters of Marque or Repriſal, the Remainder ſhall be liable to Average and Contribution. *Moor's Rep.* 297. *Jure Marit.* 236.

Contribution is to be paid for the Pilot's Fee, that hath brought a Ship into a Port or Haven for her Safeguard; (it being not the Place ſhe was deſigned for) and likewiſe for raiſing of the Ship off the Ground, when there is no Fault in the Maſter. And if two Ships happen to ſtrike againſt each other, whereby Damage is received, if there be no Fault or Miſcarriage in either, Contribution is to be made by a juſt Equality, as it happen'd accidentally; but if there be a Fault or Miſcarriage on either Side, it is otherwiſe, for then a full Satisfaction ſhall be made the Merchant injured: And in caſe one Ship periſheth, the Loſs cannot be proportioned, ſo that there can be no Contribution; for if this were to be thrown into an Average, a Perſon might of purpoſe ſet an old weak Ship againſt a ſtrong Ship, and by that Means hedge himſelf into a Contribution and extraordinary Recompence. Alſo this hinders not the Owners of a ſuffering Ship

from bringing their Action againſt the negligent Maſter of the other, to recover Damage; but if it be done in the Night, to entitle this, it may be neceſſary for the Party to prove that he made out Light or Fire, or otherwiſe gave notice by Crying or Calling out. *3 Inſt.* 146. *Noy's Rep.*

As the Common Law looks upon the Goods and Cargo of a Ship, to be a Security for the Freight due; ſo the Maritime Law adjudges them as a Security for anſwering the Average and Contribution, and that the Maſter ought not to deliver the Goods till a Contribution is ſettled; the ſame being tacitly obliged for the one, as well as the other: And therefore if the Contribution be ſettled, and any Merchant will not agree thereto, the Maſter may detain the Lading; and if in that caſe ſuch Merchant or the Party Owner of the ejected Goods, ſhould bring an Action at Law againſt the Maſter or Owners of the Veſſel, they may bar the ſame by pleading the ſpecial Matter. *Leg. Rhod. c.* 2. *Jure Marit.* 233, 234.

If a Lighter or the Ship's Boat, into which part of the Cargo aboard is unladen for the lightening of the Ship, ſhall periſh and the Ship be preſerved, Contribution is to be made; but if the Ship be caſt away, and the Lighter or Boat preſerv'd, no Average or Contribution is recoverable: For Contribution may not be had in any caſe, but where the Ship arrives in Safety. Where Paſſengers caſt Goods out of a Ferry-Boat, in caſe of a Tempeſt, which they may do for Preſervation of their Lives, the Owners ſhall have no Remedy; unleſs the Boatman ſurcharge the Boat, when they may have their Action againſt him. *Moor* 297. 2 *Bulſt. Rep.* 280.

After a general Shipwreck, there is no Average or Contribution, but *Save who ſave can*, as is vulgarly ſaid on this Occaſion. There is an Average paid to Maſters of Ships, for taking care of the Goods expreſſed in *Bills of Lading*.

Vide *Reſtitution* and *Redemption*, Vol. II.

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## CHAP. XII.

### *Of Wrecks, Flotſam, Jetſam, and Lagan.*

WRECK is where a Ship is broke to Pieces, or loſt on the Sea; and ſignifies in our Law ſuch Goods, as after a Shipwreck are caſt upon the Land by the Sea, and left there within ſome County, for they are not Wrecks ſo long as they remain at Sea, in the Juriſdiction of the Admiralty.

In Matters of Wreck it is obſerved, that there is as it were a Contract between the Perſons that have loſt their Goods by ſuch Misfortune, and them upon whoſe Lands the Goods and Merchandize are driven, that the ſame be reſtored to them, or thoſe that claim under them: And therefore by the *Civil Law*, no Man ſhall meddle with ſuch Goods as are wreck'd, nor ſhall they be ſeized by the King or any other by virtue of his Grant or Royal Privilege; for that ſuch Goods being caſt on Land and recovered out of the Sea, remain ſtill his who was the firſt Owner thereof, and ſhall go to him or his Succeſſor; and if it be proved that any thing be

ſtolen out of the Wreck, the Takers ſhall be deemed Robbers.

Here we find what is worthy to be followed and imitated in all trading Countries; and the Reaſon why the Laws were ſo ſtrictly declared by the *Romans*, was becauſe by the *Rhodian* Law, if any Ship had become Wreck, though all the Perſons were ſaved and alive, yet the Ship and Goods became ſeizeable by the Lords: But the ſame being barbarous and inhumane, it was afterwards repealed and abrogated, as well by thoſe Emperors in their Territories, as here in *England*; and firſt by the Naval Laws of *Oleron*, which provided in ſuch Misfortune, that if the Merchant or Mariners, or any of them come ſafe to Land, it was not to be accounted Wreck. And the Emperor *Conſtantine* the Great ſays, if any Ship at any time by Shipwreck be driven unto the Shore, or touch at any Land, *Let the Owner have it, and let not my Exchequer meddle with it; for what Right have I in another Man's Calamity, that I ſhould hunt after Gain in ſuch a woeful Caſe.*

By the Laws of *Oleron*, if a Ship or Veſſel arriving at any Place, and making in towards a Port or Harbour, ſet out her Flag, or give any other Sign to have a Pilot come on board, or a Boat to tow her into the Harbour, the Wind or Tide being contrary; and becauſe of an unreaſonable and accurſed Cuſtom in ſome Places, that the third or fourth part of the Ships that are loſt and become Wrecks, ſhall accrue to the Lord of the Place where ſuch ſad Caſualties happen, as alſo the like Proportion to the Savers, and only the Remainder to the Merchant, Maſter and Mariners; therefore the Perſons agreeing

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for the Pilotage of the ſaid Veſſel, to ingratiate themſelves with their Lords, and gain a part of the Ship and Lading, do like faithleſs and treacherous Villains, ſometimes even willingly and out of Deſign to ruin Ship and Goods, guide and bring her upon the Rocks; and then feigning to aid and aſſiſt the diſtreſſed Mariners, are the firſt in pulling the Ship to Pieces, purloining and carrying away the Lading thereof, contrary to all Law and Reaſon; and afterwards that they may be the more welcome to the Lord, do with all ſpeed poſt to his Houſe with the ſad Narrative of this unhappy Diſaſter, whereupon the ſaid Lord, with his Retinue, appearing at the Place, take their Share, the Savers theirs, and what remains the Merchant and Mariners may have: Now ſeeing all this is againſt the Law of God, it is hereby ordained, that the ſaid Lord of the Place and Salvers, and all others that take away any of the ſaid Goods, ſhall be excommunicated, and puniſhed as Thieves and Robbers; but the falſe and treacherous Pilots ſhall be condemned to ſuffer a moſt rigorous and unmerciful Death, and high Gibbets ſhall be erected for them in the ſame Place, or as near as may be, where they guided and brought any Ship to Ruin as aforeſaid, and thereon they ſhall with Shame and Ignominy end their Days; which Gibbets are to abide and remain to ſucceeding time on that Place, as a Caution to other Ships that ſhall afterwards ſail thereby. *Leg. Oleron, c.* 25.

And if the Lord of any Place be ſo barbarous, as not only to permit ſuch inhumane People, but alſo to maintain and aſſiſt them in ſuch Villanies, that he may have a Share in ſuch Wrecks, the ſaid Lord ſhall be apprehended, and all his Goods

confiſcated and ſold, in order to make Reſtitution to ſuch as of Right it appertaineth; and himſelf ſhall be faſtened to a Poſt or Stake, in the midſt of his own Manſion-Houſe, which being fired at the four Corners thereof, all ſhall be burnt together; and the Walls ſhall be demoliſhed, the Stones pull'd down, and the Place converted into a Market-place, for the Sale only of Hogs and Swine to all Poſterity. *Idem*, *c.* 26. Theſe two *Articles* of the Laws of *Oleron* I have inſerted at length, on Account of the great and juſt Spirit of them. This Barbarity is now rarely practiſed in any Nation of *Europe*, unleſs it be againſt the Enemies of the State, Infidels or Pirates: But that which upon our *Engliſh* Coaſts the common People practiſe, when a Ship is unfortunately driven to Land, before any Aſſiſtance comes, is too much like it, and ought to be made a capital Offence.

And by the ſame Laws, if any Ship ſailing to and fro, and coaſting the Seas, as well in the way of Merchandiſe as otherwiſe, happen by Misfortune, through the Badneſs of the Weather to ſtrike againſt any Rocks, whereby ſhe is ſo broken that ſhe periſheth upon that Coaſt or Country, and the Maſter, Mariners, Merchants, or any of thoſe ſhall eſcape, and come ſafe to Land; in this caſe the Lords of that Place or Country where ſuch Misfortune happens, ſhall not hinder or oppoſe ſuch that have ſo eſcaped, or them to whom the ſaid Ship or Veſſel and her Lading belong, in uſing their utmoſt Endeavours for Preſervation of as much thereof as may poſſibly be ſaved: But on the contrary ſhall be aiding and aſſiſting to the diſtreſſed Mariners or Merchants, in ſaving their ſhipwreck'd Goods,

and

and that without the leaſt Imbezilment, or taking any part thereof from the right Owners: And in caſe any ſhall act contrary hereunto, or take any part of the ſaid Goods from the diſtreſſed, ruined and undone ſhipwreck'd Perſons againſt their Wills, (except for Salvage as Juſtice ſhall appoint,) they ſhall receive the Puniſhment of Thieves, if ſpeedy Reſtitution be not made by them; nor ſhall any Cuſtom protect them againſt the Penalties in the twenty-ſixth Article of the Laws. *Leg. Oleron, c.* 29.

And where a Ship or other Veſſel entering into Harbour happens to be broken and periſh, and the Maſter and Mariners which were on board her be all drowned; if the Goods belonging to the Ship be driven aſhore, or remain floating on the Sea, without being ſought after by the Owners thereof, they being ignorant of the ſad Diſaſter; in this lamentable Caſe, the Lord of that Country ought to ſend Perſons to ſave the ſaid Goods, which he ſhall put into ſafe Cuſtody, and give notice thereof to the Relations of the deceaſed Perſons, and ſhall out of the Goods ſatisfy for ſaving them, according to the Hazards run, and the Pains therein taken, and then the Remainder muſt be ſecured and kept for one Year or more: And if in that time they, to whom the ſaid Goods appertain, do not appear and make their Claims thereto, the ſaid Year being fully expired, the Lord may publickly ſell and diſpoſe thereof to ſuch Perſons as will give moſt for the ſame; and the Money ariſing from ſuch Sale he ſhall give amongſt the Poor, and to other charitable Uſes: But if he aſſumes the ſaid Goods, in the whole or in part to himſelf, he ſhall incur the

Pains and Penalties aforeſaid, unleſs he make Satisfaction. *Ibid. c.* 30.

There are ſeveral other excellent Proviſions in the Laws of *Oleron*, to ſecure ſhipwreck'd Goods to the diſtreſſed Owners; and by other Sea Laws and Ordinances, if any Man ſhall hinder Aſſiſtance being given to ſhipwrecked Perſons, he ſhall be puniſhed as a Murderer: And the like Puniſhment hath been ordained for thoſe who ſhall by Treachery put forth any Light with Intention to ſubject them to Danger of Shipwreck; and hence it is that Fiſhermen are forbidden to fiſh with Lights in the night. By the Laws of *France*, ſuch as during the night light falſe Fires upon the Shore in dangerous Places, to decoy thither, and occaſion the Loſs of Ships, ſhall be put to Death; and their Bodies hung up upon a Maſt, which ſhall be ſet up on the Place where the Fires were made. *Sea Laws* 356, 156.

If a Ship and Goods periſh in the Sea, and the Owners abandon her, ſo that ſhe becomes a mere Derelict; in ſuch caſe, the firſt Perſon that takes Poſſeſſion of her, and recovers any part of the Lading, gains a Property therein by the Laws of Nations. And where any ſuch Wreck happens by any Fault or Negligence in the Maſter or Mariners; the Maſter muſt make good the Loſs; but if the ſame was occaſioned by the Act of God, or done to avoid an Enemy or Pirate, there he ſhall be excuſed. The Maſter, *&c.* ſhall ſuſtain the Damage, where he or any of his Mariners lie aſhore, and the Ship during their Abſence periſheth, whether by night or by day, *&c. Leg. Rhod. c.* 26.

By the *French* Laws, all Ships and Perſons belonging to them, that ſhall be caſt aſhore by Tempeſt,

peſt, or otherwiſe, upon the Coaſts of that Kingdom, and every Thing that has eſcaped Shipwreck, is declared to be taken into the Protection of the King: And all Subjects are enjoined, not only to do their utmoſt Endeavours to ſuccour all Perſons in Danger of Shipwreck; but alſo, 'till the Arrival of the Officers of the Admiralty, to ſave the ſhipwrecked Goods, and prevent their being rifled, under pain of being anſwerable for all Loſſes and Damages, of which they ſhall not be excuſed, without producing thoſe that are guilty: And ſuch as make any Attempt upon the Lives or Goods of ſhipwrecked Perſons, ſhall be puniſhed with Death; without any Poſſibility of a Pardon. *Sea Laws* 349.

In ancient times, all Wrecks in *England* belonged to the Crown; and where a Ship is periſhed at Sea, and no Man doth eſcape out of it, the wrecked Goods being brought to Land by the Waves, by the *Common Law* belong to the King by his Prerogative, or to the Lord of the Manor: And the Statute *de Prærogativa Regis*, 17 *Ed.* 2. ordains, that the King ſhall have Wreck of the Sea, Whales and great Sturgeons taken in the Sea and elſewhere, throughout the Realm; except in Places privileged. But it was formerly uſual to ſeize Wrecks as forfeited to the King, only when no Owner could be found; for in ſuch caſe it muſt of conſequence belong to him, as Lord of the narrow Seas, which he is obliged to ſcower of Pirates, *&c.* and the Product of Wrecks was ordained to contribute to the Charge. *Bract. lib.* 2. *c.* 5.

And by *Stat.* 3 *Ed.* 1. *c.* 4. called the Statute of *Weſtminſter* the firſt, it is enacted, that where a Man, Dog, or Cat eſcapes alive out of the Ship,

Ship, neither the Ship nor any thing therein, ſhall be adjudged a Wreck; but the Goods ſhall be ſaved and kept by the Sheriff, Coroners, or King's Bailiffs, and delivered to the Inhabitants of the Town where they are found; ſo that if any Perſon within a Year and a Day ſue or apply for thoſe Goods, and prove that they were his Property at the time of the Shipwreck, they ſhall be reſtored to him without Delay: But if not, then they ſhall be ſeized by the ſaid Sheriffs, Coroners or Bailiffs, for the King's Uſe, and ſhall be delivered to the Inhabitants of the Town or Place, who ſhall anſwer before the Juſtices for the Wreck belonging to the King. Alſo where the Wreck belongs to another, he ſhall have the ſame in like manner; and if any one be convicted to have done otherwiſe, he ſhall ſuffer Impriſonment, make Fine to the King, and likewiſe yield Damages: And Bailiffs to Lords acting contrary, ſhall anſwer for it, if they have wherewith to do it; and if they have not, the Lord ſhall deliver his Bailiff's Body to the King to be anſwerable.

The Owners claiming a Wreck muſt make ſufficient Proof of their Title within the Year and Day; and they are to do it by their Marks or Cockets, by the Cuſtom-Houſe Books, or the Teſtimony of reputable Men; and if the Wreck be taken by the King, or ſeized by Perſons having no Authority, the Owner may have a Commiſſion to inquire, and hear and determine it by the Oaths of twelve Men, or he may bring an Action at Law and make his Proof by Verdict. The Year and Day ſhall be accounted from the Seizure; and if the Owner of the Goods dies within the Year, his Executors or Adminiſtrators may

may make Proof: And when ſuch Goods wreck'd are periſhable, the Sheriff may ſell them within the Year, and the Sale ſhall be good; but he muſt diſpoſe of them to the beſt Advantage, and account with the Owners. *Fitz. Nat. Br.* 12. 2 *Inſt.* 167.

If a Ship is ready to ſink at Sea, and all the Men therein, for Preſervation of their Lives, quit the Ship, and afterwards ſhe periſhes; if any of the Men are ſaved, the Goods ſhall not be loſt: A Ship on the Sea was chaſed by an Enemy; the Men in it, for the Security of their Lives, quitted the Ship, which was taken by the Enemy, and ſpoiled of her Goods and Tackle, and then turned to Sea; after this by Streſs of Weather ſhe was caſt on Land, where it happened her Men ſafely arrived: It was reſolved, that the Ship was no Wreck by our Law. 5 *Co. Rep.* 2.

Where Goods are wreck'd on Shore, and the Lord having Power takes them, he ſhall not pay Cuſtom, neither by the Common Law, nor by the Statute Law; for at the Common Law, ſhipwreck'd Goods could not be charged with Cuſtoms, by reaſon the Wreck was wholly the King's, and he could not have a Cuſtom of what was all his own: And Wines or other Goods, coming or brought into the Kingdom by Wreck, are not imported by any body, but by the Wind and Sea; nor can ſuch wreck'd Goods ſo caſt aſhore, be ſaid to be brought into the Kingdom as Merchandize for Sale. *Hill.* 23 & 24 *Car.* 2.

If a Man have a Grant of Wreck, and Goods are wreck'd upon his Lands, and another taketh them away before Seizure, he ſhall have an Action of Treſpaſs, &c. to recover them; and before

fore they are ſeized, there is no Property gained, to make it it Felony. 1 *Hawk.* 94. In caſe a Perſon loſes his Goods at Sea, by Piracy or Tempeſt, and not by Wreck, if they afterwards come to Land, and he can make Proof that they are his Goods, they are to be reſtored by the King's Officers, or the Lord's there. *Stat.* 27 *Ed.* 3. *c.* 13.

The Statute of 12 *Ann. c.* 18. hath ordained, that the Sheriffs and Juſtices of Peace of every County, or of a City or Town, and all Mayors, Bailiffs, and other head Officers of Corporations and Port-Towns near adjoining to the Sea, and all Conſtables, Tithingmen, and Officers of the Cuſtoms in all ſuch Places, upon Application to them made on behalf of any Commander of a Ship in Danger of being ſtranded or run on Shore, ſhall command the Conſtables near the Sea-Coaſt, where ſuch Ship ſhall be in Danger, to call together as many Men as ſhall be neceſſary, to the Aſſiſtance and for the Preſervation of ſuch Ship; and if there ſhall be any Ships of War, or other Ships lying at Anchor near the Place, the Officers of the Cuſtoms, and Conſtables, *&c.* are to require the Aſſiſtance of the ſuperior Officers, by their Boats, and what Hands they can ſpare: And if ſuch Officers ſhall refuſe or neglect to aſſiſt, they ſhall be liable to the Penalty of 100*l.* to be recovered by the chief Officer of the Ship in Diſtreſs.

No Perſons ſhall enter into ſuch Ships in Diſtreſs, without Leave from the Commander, or a Conſtable, *&c.* And the Maſters and Conſtables may by force repel Perſons, who ſhall preſs on board the ſaid Ships without Leave: And if any Goods are carried off from any ſuch Ship, and found on any Perſon, if they are not delivered

vered to the Owner on Demand, ſuch Perſon ſhall pay treble the Value of the Goods, recoverable by the Owner in an Action at Law. Alſo if any Officer of the Cuſtoms, or his Deputy, abuſe the Truſt repoſed in him by this Act, and ſhall be convicted thereof, he ſhall forfeit treble Damages to the Party greived, and be incapable of any Employment in the Cuſtoms.

If any Perſon make Holes in the Bottom, Side, or in any part of a Ship, or ſteal any Pump, or do any thing tending to the Loſs of the Ship, he ſhall be guilty of Felony. And by this Statute Ships and Goods are to be preſerved for the Benefit of the Owners, paying the Salvage, *&c.* But this Act ſhall not extend to deprive the Crown, or any Grantee of any Right or Claim to any Wreck or Goods that ſhall be *Jetſam*, *Flotſam*, or *Lagan*. See *Salvage*.

*Flotſam*, *Jetſam* and *Lagan* are in general, Goods on or in the Sea, and belong to the King, who by Charter hath granted them to the Lord Admiral. In particular *Flotſam* is when a Ship is ſunk or otherwiſe caſt away, and the Goods float upon the Sea. *Jetſam* is where the Ship is in Danger of ſinking, and for lightening the Ship, the Goods are thrown into the Sea, but notwithſtanding the Ship periſheth. *Lagan* is when heavy Goods that ſink are caſt into the Sea before the periſhing of the Ship; and the Maſter and Mariners, that they may find and have them again, faſten a Buoy Cork, or other Sea-Mark to them, whereby they may be the more eaſily directed to the Place where they lie, if they ſhall be in a Condition to retake them.

A Man may have *Flotſam* and *Jetſam* by the King's Grant; and may have *Lagan* within the high

high and low Water-Mark by Preſcription, as it appears in the Weſt Country, where the Lords of Manors preſcribe to have Wreck in the Sea, ſo far as they can ſee a Humber-Barrel. And by the Grant of Wreck will paſs *Flotſam*, *Jetſam* and *Lagan*, when they are caſt upon Land; for then they are a Wreck, and belong to the Lord entitled to the ſame: But if they be not caſt on the Land, the Admiral hath Juriſdiction, and ſhall have them, and they cannot be ſaid to be Wreck. 5 *Rep.* 106.

The King or Admiral ſhall have *Flotſam*, *Jetſam* and *Lagan*, when the Ship periſheth, and when the Owners of the Goods are not known; but if the Ship doth not periſh, it is otherwiſe. And it is held, that where the Proprietors of the Goods may be known, they have a Year and a Day to claim *Flotſam*. *Fitz. N. B.* 112. 1 *Keb. Rep.* 657.

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## CHAP. XIII.

### *Of Light-houſes and Sea-marks.*

A Light-houſe, or Beacon by Sea, erected in any Place where requir'd, is of great Uſe to direct and keep Mariners in the right Courſe they ought to take to avoid Danger: And theſe are very neceſſary in thoſe parts where there are *Bars*, or Entrances into Harbours, that there muſt be high Tide to carry Ships over them.

Light-houſes, and Sea-marks of various Kinds, as ſometimes large Trees or Buoys, muſt be allowed

lowed to be proper Cautions to Strangers and others, that they may not precipitately run on Rocks or Sands, to their Ruin and Deſtruction: And in the Reign of King *Charles* II. care was taken for erecting Light-houſes and Lanthorns, and other ſpecial Sea-marks; but more eſpecially for the building that moſt excellent Light-houſe near *Goldſton* by *Yarmouth*, which for its Height, Curioſity and Form, was then reckoned not inferior to any, but rather excelling all or moſt in any Country whatſoever.

In the fourth and fifth Years of Queen *Anne*, an Act paſſed for the rebuilding of a Light-houſe on the *Ediſtone* by the Maſter, Wardens and Aſſiſtants of *Trinity-Houſe* of *Deptford Strond*; and after the ſame is rebuilt and a uſeful Light put therein, there ſhall be paid to them by the Maſters and Owners of *Engliſh* Ships and Barks paſſing by the ſaid Light-houſe, except coaſting Veſſels, one Penny *per* Ton inward, and one Penny a Ton if outward bound; of which the Merchant is to pay a Moiety, and the Owner of any Ship the other Moiety: And by Strangers two Pence *per* Ton of the Burthen of the Ship or Veſſel; and every Coaſter two Shillings only, for each time they paſs by the ſaid Light-houſe.

The ſaid Duties to be received by ſuch Perſon or Perſons, as the ſaid Maſter, Wardens and Aſſiſtants of *Trinity-Houſe* ſhall appoint, and where ſuch Ships, Barks, or other Veſſels ſhall arrive, load or unload; and on Non-payment, to be recovered in any of the Courts at *Weſtminſter*. Stat. 4 & 5 *Ann. c.* 20.

By the 3 *Geo.* 2. *c.* 36. All the Powers, Liberties, Privileges, and Authorities granted in Letters Patent of her Majeſty Queen *Anne*, bearing Date

Date the thirteenth Day of *July* in the 13th Year of her Reign, to *William Trench*, Eſq; for erecting a Light-houſe on the Iſland or Rock called *Skerries*, lying in the Sea near *Holyhead* in the County of *Angleſea*; and the ſaid Light-houſe, with its Rights, Members and Appurtenances, ſhall be valid and effectual, and continue for ever, veſted in *Sutton Morgan*, his Heirs and Aſſigns: To the Intent that he and they ſhall keep the Light-houſe in good Repair; and in the night Seaſon maintain a proper Fire therein, ſo as the Trade and Navigation in the Channel may be effectually preſerved.

And the ſaid *Sutton Morgan* may demand and receive from the Maſters and Owners of every Ship, Hoy, Bark, Catch, Veſſel or Bottom, paſſing, croſſing, or ſailing in or thro' St. *George*'s Channel, by *Holyhead* or *Wicklow*, to or from any foreign Port or Place, or which ſhall paſs or croſs the ſaid Channel, to or from any Port, Creek, or Place in *Great Britain* ſouthward of *Holyhead* from or to *Wicklow*, or any Port or Place northward thereof in the Kingdom of *Ireland*; or that ſhall paſs, croſs or ſail from any Port, Creek or Place northward of *Holyhead*, either from any foreign or other Port, and ſail between *Holyhead* and the *Calf of Man*, or any way in St. *George*'s Channel, to the ſouthward of *Dublin*; and likewiſe from all Coaſters, paſſing to or from any Port, Creek or Place in *Great Britain*, North of *Holyhead*, from or to any Port, *&c.* South thereof, one Penny *per* Ton coming into, and the like Sum going out of the ſaid Ports, Places, Creeks or Harbours in *Great Britain* or *Ireland*; and double ſuch Duties for any foreign Ship or Veſſel, *&c.* paſſing, croſſing or ſailing in like manner,

manner, according to their Burthens. But Ships loaden with Coals, or the greateſt part of their Loading being Coals, paſſing from *England* to *Ireland*, ſhall only pay one Voyage in every Year.

And if any Maſter, or other Perſons having the Command of any Ship, *&c.* ſhall refuſe to pay the Duties, the ſaid *Sutton Morgan*, his Heirs, *&c.* may ſeize any of the Goods, Guns, Tackle, *&c.* of any ſuch Ship or Veſſel, and keep the ſame till the Duties aforeſaid are paid; and in caſe of any Delay in Payment, for the Space of three Days after ſuch ſeizing, he may cauſe the ſame to be appraiſed by two ſworn Appraiſers, and afterwards ſell the Goods, and therewith ſatisfy himſelf for the Duties, together with the Charge of Seizure, *&c.* rendering the Overplus to the Owner.

And in Conſideration of the frequent and conſtant Benefit the Packet-Boats ſailing between *Holyhead* and *Dublin* receive by this Light-houſe, the Poſtmaſter General, or the Commiſſioners for executing that Office, ſhall pay to the ſaid *Sutton Morgan* the annual Sum of 50 *l.* by quarterly Payments, without any Office, Fees, or Deductions. This Statute extendeth not to charge any Ships of War with the Duties before mentioned.

There are large Lanthorns ordered by Statute, with Duties payable for maintaining them, to be erected at the Head of ſome Keys; ſuch as at the Harbour of *Minhead* in *Somerſetſhire*, on the River *Severn*, *&c.* See 10 *Ann. c.* 24.

## CHAP. XIV.

### *Of Pilots of Ships, and Loadſmen.*

A Pilot is he that hath the Government of a Ship under the Maſter, or who is entruſted with the Steerage of the ſame. It hath been uſual for Pilots, not only to direct the Ship's Courſe, but alſo to ſteer her too themſelves; as they are ſtill obliged to do amongſt us, when the Ship has any dangerous Place to paſs through, or is ſo near the Shore that a more than ordinary Skill is requiſite to bring her ſafe off; but otherwiſe, ſuch of the other Mariners as are moſt capable of the Function, are appointed to do it by turns.

By the Sea Laws of *Wiſbuy*, every Pilot, Mate or Mariner, that does not underſtand his Buſineſs, ſhall be obliged to repay to the Maſter whatever Wages he had advanced him, and beſides be bound to pay half as much more as he had promiſed him. The Laws of *Denmark* puniſh an ignorant Pilot, by ſentencing him to paſs thrice under the Ship's Keel: And by the Laws of *Oleron*, if a Pilot undertakes the Conduct of a Veſſel to bring her to any Port, and fail of his Duty therein, ſo as the Ship miſcarry by reaſon of his Ignorance in what he undertook, and the Merchant receives damage thereby; he ſhall be obliged to make Satisfaction for the ſame, if he have wherewithal; and if he hath not, or where the Fault of the Pilot is apparently groſs, that the Ship's Crew ſee an apparent Wreck, they may lead him to the Hatches and ſtrike off his Head. *Sea Laws* 176. *Leg. Oleron* 23.

The

The Laws of *France* ordain, that no Person shall be receiv'd as Pilot, nor perform that Function, till he has made several Voyages, and passed a strict Examination as to his Knowledge and Experience in Navigation; and he shall be obliged for proving his Voyages, to produce the Journals thereof. The Pilot shall provide himself with all Maps, Books and Instruments necessary for his Art: And in long Voyages, he shall have two Journals; in one of which he is to write the Changes of the Courses and Winds, the Days and Hours of the Changes, the Leagues which he believes the Ship has sailed in each, also the Reductions in Latitude and Longitude, the Variations of the Compass, together with the Sounds and Shores he has discovered; and in the other, he shall write out once in twenty-four Hours, Courses, Longitude and Latitude reduc'd, and the Latitudes observ'd, and all other remarkable things discover'd during the Voyage: And at the Return of such long Voyages, shall lodge a Copy of his Journal in the Admiralty, on pain of fifty Livres. *Sea Laws* 291, 292.

And by the same Laws, if a Pilot by Ignorance or Negligence occasion the Loss of a Ship, he shall pay one hundred Livres Fine, and be for ever deprived of the Exercise of Pilotage; and if he does it designedly, he shall be punished with Death. But no Masters of Ships shall force Pilots to pass thro' dangerous Places, or to steer Courses against their Will; and in case there be Difference in Opinion, they shall be governed by the Advice of the most expert Mariners. When a Ship comes to an Harbour or River, and the Master doth not know the Coast nor the River, he ought to take a Pilot of that Country to carry

her up the River or Harbour; which Pilot ſhall be maintained by the Maſter, and paid by the Merchant: Alſo if it is thought convenient in any River, or off any dangerous Coaſt, to take aboard a Pilot of the Country; tho' the Merchant oppoſes it, if the Maſter, the Ship's Pilot, and the major part of the Seamen are for it, he may be hired; and ſhall be paid by the Ship and Cargo, as Averages are calculated for Goods thrown over-board. *Leg. Wiſb.* 44 & 60. *Ibid.* 185, 188.

The Maſter of the Ship generally in Charterparties covenants to find a Pilot, and the Merchant agrees to pay him his Pilotage. Tho' if a Ship ſhould be loſt coming up the River under the Charge of the Pilot, it has been a Queſtion, whether the Maſter ſhould anſwer for the Inſufficiency of the Pilot, or whether the Merchant may have his Remedy againſt both? But it hath been conceived, that the Merchant hath his Election to charge either; and if he charges the Maſter, then the Maſter muſt have his Remedy againſt the Pilot. After the Ship is brought into ſure Harbour, the Pilot is no further liable; for then the Maſter is to ſee to her Bed and Lying, and hath all the Charge upon himſelf, ſo that he muſt anſwer all Danger and Hazard, except that of the Act of God; but before ſhe arrives at her Place or Bed, and while ſhe is under the Pilot's Care, if ſhe or her Goods periſh or be ſpoil'd, the Pilot ſhall make good the Damage. *Leg. Oleron. Jure Marit.* 254, 255.

By Statute 3 *Geo.* 1. *c.* 13. If any Perſon ſhall take upon him to conduct and pilot any Ship or Veſſel, by or from *Dover*, *Deal*, or the Iſle of *Thanet*, to any Place on the River *Thames* or *Medway*,

*Medway*, before he has been examined by the Master and Wardens of the Society of *Trinity-House*, and shall be approved and admitted into the said Society at a Court of Load-manage by the Lord Warden of the *Cinque Ports*, or his Deputy, and the said Master and Wardens, every such Person for the first Offence shall forfeit ten Pounds, for the second twenty Pounds, and for every other Offence forty Pounds; to be sued for and recovered by any one in the Court of Admiralty for the *Cinque Ports*, if the offending Pilot live within the Jurisdiction of that Court; or else by Action of Debt, *&c.* in any of the Courts at *Westminster*, one Moiety to go to the Informer, and the other to the Master and Wardens of the Society aforesaid, to be distributed among superanuated Pilots, and the Widows of Pilots of the said Society.

And the Master and such two Wardens of the said Society, as shall be appointed to examine into the Skill and Ability of any Person on his being admitted as a Pilot, shall take the following Oath, to be given them by the Register of the said Court of Load-manage, or his Deputy, *viz.*

*I* A. B. *do swear, That I will impartially examine and inquire into the Capacity and Skill of* T. D. *of*, &c. *in the Art of Pilotage over the* Flats, *and round the* Long Sand Head, *and the Coasts of* Flanders *and* Holland, *and will make true and speedy Return thereof to the Lord Warden of the* Cinque Ports *for the Time being, or his Deputy, without Favour, Affection, Fee, or Reward.*

So help me God.

The Number of ſuch Pilots ſhall not be leſs than one hundred and twenty, whoſe Names, Ages and Places of Abode ſhall yearly be affixed in ſome publick Place at the Cuſtom-houſes at *London* and *Dover*, to which all Perſons may have Recourſe; and not returning Liſts, the Maſter and Wardens of the ſaid Society ſhall forfeit ten Pounds.

But this Act ſhall not prevent the Maſter or Mate of any Ship or Veſſel, or any Part-Owner, reſiding at *Dover* or *Deal*, or the Iſle of *Thanet*, from piloting his own Ship from any of the ſaid Places up the ſaid Rivers; nor ſubject any Perſons, tho' not of that Society, to the Penalties before-mentioned, who ſhall be employed by any Maſter to pilot his Veſſel from the Places aforeſaid, when none of the ſaid Society ſhall within one Hour after the Arrival of ſuch Ship or Veſſel at any of the ſaid Places, be ready to pilot the ſame. And Maſters of Merchant Ships may make choice of ſuch Pilot of the ſaid Society, as they ſhall think fit; alſo no Perſon ſhall continue in this Society who ſhall not pilot a Ship at leaſt twice in one Year, (unleſs prevented by Sickneſs) to and from the Places abovementioned.

And for preventing any exorbitant Demands from theſe Pilots, for conducting any Ship or Veſſel from *Dover*, *Deal*, or the Iſle of *Thanet*, to any Places on the River *Thames* and *Medway*, the following and no greater Prices ſhall be taken or demanded, than are here mentioned, *viz.* For every Ship or Veſſel drawing ſeven Foot Water 3*l.* 10*s.* for eight Foot Water 4*l.* nine Foot Water 4*l.* 10*s.* ten Foot Water 5*l.* eleven Foot Water 5*l.* 10*s.* twelve Foot Water 6*l.* thir-

teen Foot Water 6*l.* 10*s.* fourteen Foot Water 7*l.* fifteen Foot Water 7*l.* 10*s.* ſixteen Foot Water 8*l.* ſeventeen Foot Water 8*l.* 10*s.* and no Allowance to be made for odd Inches.

In this Act there is likewiſe a Clauſe, empowering the Lord Warden of the *Cinque Ports* to nominate three Perſons there to adjuſt Differences between the Maſter of any Ship and others, where Ships by bad Weather are forced from their Anchors and Cables, for ſaving and bringing them aſhore: And this Act ſhall not hinder any Perſon from aſſiſting a Ship in Diſtreſs there.

By the 7 *Geo.* 1. *c.* 21. The Lord Warden of the *Cinque Ports*, with the Aſſent of the Commiſſioners of Load-manage, and of the Maſters and Wardens of the Society of Pilots of the *Trinity-Houſe* of the *Cinque Ports*, at a Court of Load-manage held by the ſaid Lord Warden, or his Deputy, may make ſuch Rules and Ordinances for the better Government of the Pilots reſiding at *Dover*, *Deal*, and the Iſle of *Thanet*, as ſhall be thought convenient; and may order a ſufficient Number of the Pilots living at *Dover*, *&c.* not leſs than eighteen, to ply conſtantly at Sea, to be ready to conduct ſuch Ships up the Rivers of *Thames* and *Medway*, as ſhall have occaſion for them: And the ſaid Lord Warden, *&c.* at a Court of Load-manage, may ſuſpend or deprive any of the ſaid Pilots, for breaking the Rules or Orders; and if any Pilot ſo ſuſpended or deprived, ſhall undertake to conduct any Ship by or from *Dover*, *Deal*, *&c.* to any Place in or upon the ſaid River of *Thames*, *&c.* he ſhall be liable to all ſuch Pains and Penalties, as are ordained by the before-mentioned Act of

3 *Geo.* 1. againſt ſuch Perſons as ſhall conduct Ships from and to the Places aforeſaid, without being firſt examined and approved of by the Maſter and Wardens of the ſaid Society at the ſaid Court, and admitted into the ſame.

By the Statute 5 *Geo.* 2. *c.* 20. No Perſon ſhall undertake the Charge of any Ship or Veſſel as Pilot thereof down the River *Thames*, or thro' the north Channel to or by *Orfordneſs*, or round the *Long Sand Head* into the *Downs*, or down the ſouth Channel into the *Downs*; or from or by *Orfordneſs* up the north Channel, or the River *Thames*, or River *Medway*, but ſuch as ſhall be licenſed to act as a Pilot by the Maſter, Wardens and Aſſiſtants of the *Trinity-Houſe* of *Deptford Strond*, under the common Seal of the Corporation, on pain of forfeiting 20*l.* being convicted before two Juſtices of Peace for the City of *London*, or the Counties of *Middleſex*, *Eſſex*, *Kent* or *Surrey*, within their reſpective Juriſdictions: But Maſters of Ships in the Coal Trade, or other coaſting Trade, are not obliged to imploy a Pilot.

The Pilots to be ſo admitted and licenſed, ſhall be ſubject to the Government of the ſaid Corporation; provided their Regulations do not relate to the Pilots keeping of Turns, or to ſettling the Rates of Pilotage; and ſhall pay the ancient Dues, ſo as the ſame do not exceed 1*s.* in the Pound, out of ſuch Pilot's Hire or Wages, for the Uſe of the Poor of the ſaid Corporation, within ten Days after the Service of any Pilots ſhall be ended. And in caſe ſuch Pilots ſhall refuſe to take the Charge of any of his Majeſty's Ships, when appointed thereto by the Corporation; or ſhall miſbehave themſelves in the Conduct

duct of any Ships, or other part of their Duty; or if Pilots ſhall refuſe to obey any Summons of the ſaid Corporation, or ſuch Orders as they ſhall make; then the general Court of the Corporation, upon Examination thereof, are required to recall the Warrants granted to ſuch Pilots; and if after Notice of it, given to them in Perſon, or left at their Place of Abode, they ſhall act as Pilots within the Limits aforementioned, they ſhall be ſubject to the Penalties inflicted on unlicenſed Pilots.

This Statute ſhall not extend to the impeaching of any of the Franchiſes, nor to take away the ſole Right of piloting Merchant Ships from or by *Dover*, *Deal*, and the Iſle of *Thanet*, up the Rivers *Thames* and *Medway*, granted and allowed to the Society and Fellowſhip of the Maſter, Wardens and Pilots of the *Trinity-Houſe* of *Dover*, *Deal*, and the Iſle of *Thanet*, by the Statute 3 *Geo.* 1. *c.* 13.

And nothing herein ſhall impeach any Privileges heretofore granted to, or which by ancient Uſage have been enjoyed by the Pilots of the *Trinity-Houſe* of *Kingſton* upon *Hull*; or the *Trinity-Houſe* of *Newcaſtle* upon *Tyne*.

Nor to prejudice any Juriſdiction of the Mayor, or of the Mayor, Commonalty and Citizens of *London*, upon the River *Thames*; nor any Juriſdiction belonging to the Office of Lord High Admiral.

The Act 8 *Geo.* 2. *c.* 21. continues the aforementioned Statutes for regulating Pilots till the Year 1749.

And the Act 23 *Geo.* 2. *c.* continues the ſaid Statutes for regulating Pilots till the Year 1764.

A *Loadſ-*

A *Loadſman* is he that undertakes to bring a Ship ſafe thro' the Haven, after brought thither by the Pilot, to the Key or Place of Diſcharge; and if thro' his Ignorance, Negligence, or other Fault, he ſuffers the Ship or Merchandize to periſh, an Action lies againſt him at the Common Law; and by ſome it is held, that he may be puniſhed in the Admiralty, but not in both. *Rought. Art. Inq.* 27.

And theſe Loadſmen ought to be examined of the Knowledge and Experience they have of the Fabrick and working of Ships, and of the Courſes of the Tide, of the Sand-banks, Currents, Shelves, Rocks, and other Impediments that may render difficult the Entry of Ports and Harbours in which they are eſtabliſhed.

*Load-manage* is the Hire, ſometimes ſo called, which the Pilot of a Ship receives of the Maſter, for conducting the Ship up the River or into Port.

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## CHAP. XV.

### *Of Ports and Harbours, Havens and Roads; and of Keys and Wharfs, &c.*

A Port, Harbour or Haven, is a Place where Ships arrive with their Freight; or of Refuge againſt Danger, being for the ſafe receiving of Ships, and Security of Navigation: And a Road is a little way out from Port near the Sea, for any Ships to ride in. The Ports with us are only thoſe common Places to which the Officers of

of the Cuſtoms are appropriated; and which contain and include all the Privileges and Guidance of all Members and Creeks thereunto allotted. By Members, are underſtood thoſe Places where anciently a Cuſtom-houſe hath been kept, and Officers or their Deputies are attending, they being lawful Places of Exportation or Importation of Goods and Merchandize: And Creeks or Nooks to unlade Wares, are Places in which Officers commonly are or have been placed, by way of Prevention of Frauds in the Cuſtoms, (not out of Duty or Right of Attendance) for they are not legally allow'd, without particular Licence or Sufferance from the Port or Member under which they are placed.

According to the Maritime Laws of *France*, all Ports and Harbours ſhall be maintained in their Depth and Cleanneſs; and no Perſons ſhall caſt any thing into them, that may obſtruct the ſame. There ſhall always be Seamen aboard the Ships in the Harbour, to facilitate the Paſſage of Veſſels coming in and going out, clear the Cable Ropes, and do all the neceſſary Work; and the Mariners ſhall not make faſt their Veſſels, but to the Rings and Stakes ſet up for that Uſe, on pain of being fined. In every Port and Harbour, there ſhall be Places aſſign'd for refitting and caulking of Ships, and pitching of the Ropes, *&c.* And no Perſons are to keep any Fire during the Night, in the Ships lying in Docks and Harbours, except in caſes of urgent Neceſſity, by theſe Laws. *Sea Laws* 336, 338.

The Anchors of Ships lying in any Port or Harbour, are to be at a proper Diſtance; and if after Requeſt of a Maſter of one Ship to the Maſter of another to remove his Anchor farther diſtant

ſtant from any Ship near him, he refuſes to do it, and any Damage happens thereby, he is to make Satisfaction; alſo on probable Cauſe, the other Maſter may take up the ſame, and let it down further off: And where a Ship lies at Anchor, without placing a Buoy to it, if Damage is ſuſtain'd thereby, the Party ſhall not only render Satisfaction to the Party damnified, but be alſo ſubject to Puniſhment in the Admiralty. *Leg. Oleron, c.* 15.

And by the Laws of *France*, Maſters of Ships coming into a Road, ſhall drop their Anchors ſo far diſtant from each other, as the Anchors and Cables may not be foul of one another; under pain of being anſwerable for all Damage, and an arbitrary Fine. When there are ſeveral Ships in any Road, that which is outmoſt towards the Sea, ſhall be obliged, in the Night, to keep out a Light, for the Direction of other Ships coming from Sea: And when a Veſſel in the Road would ſet ſail during the night, the Maſter ſhall be obliged the preceding Day, to remove to a Place convenient for going away, without running aboard of others, or doing any Damage to other Ships, on pain of ſatisfying all Damages, Coſts and Charges. *Sea Laws* 348.

There are divers Statutes for improving and preſerving the Ports, Havens and Harbours of *England*; as the 23 *H.* 8. *c.* 18. and 27 *H.* 8. *c.* 23. For Preſervation of the Havens and Ports of *Plymouth*, *Dartmouth*, *Tinmouth*, *Falmouth*, *Fowey*, and other Ports in *Devon* and *Cornwall*: And thoſe who labour in Tinworks there, ſhall prevent the falling of Stones and Gravel into thoſe Havens, upon a certain Forfeiture. And the 34 *Hen.* 8. *c.* 9. ordains, that none ſhall caſt or unlade out of any Ship or Veſſel, in any Haven, Road,

Road, Channel, or River flowing or running to any Port-Town, City, or other Town, any Rubbiſh, Gravel, Ballaſt, or other Wreck or Filth; but only upon the Land above the full Sea-Mark, in pain of 5*l.* Penalty.

In the 27th Year of Queen *Eliz.* an Act was made concerning *Orford* Haven in *Suffolk*. And by the 23 *Eliz. c.* 6. there were certain Duties granted of ſo much *per* Ton, on all Ships and Veſſels, for the Repair of *Dover* Harbour; and theſe Statutes were continued in the Reign of *James* 1. and 13 & 14 *Car.* 2. The like Act for repairing the Haven of *Great Yarmouth*, granting Duties to perform it, *&c.* 1 *Jac.* 2. *c.* 16. Continued and explained by 1 *W. & M. c.* 11. and 10 & 11 *W.* 3. *c.* 5. For the Repairs of the Harbour of *Minehead* in *Somerſetſhire*, 12 *W.* 3. *c.* 9. For repairing the Port of *Whitby*, 1 *Ann. c.* 19. and 7 *Geo.* 1. *c.* 16. The Port and Harbour of *Rye*, 10 *Geo.* 1. *c.* 7. The Harbour and Pier of *Margat*, 11 *Geo.* 1. *c.* 3. The Port and Haven of *Sunderland* in the County of *Durham*, 13 *Geo.* 1. *c.* 6. The Harbour of *Newhaven* in *Suſſex*, 4 *Geo.* 2. *c.* 17. The Harbour of *Ilfordcombe* in the County of *Devon*, 4 *Geo.* 2. *c.* 19. The Port-Town of *Scarborough*, 5 *Geo.* 2. *c.* 11. The Harbour of *Arundel*, 6 *Geo.* 2. *c.* 12. The Port and Harbour of *Newcaſtle*, 8 *Geo.* 2. *c.* 10. The Harbours of *Dover* and *Rye* and *Minehead*, 11 *G.* 2. *c.* 7, 8. The Harbour of *Whitehaven* in *Cumberland*, 13 *G.* 2. *c.* 14. *Southwould* Haven in *Suffolk*, 20 *G.* 2. *c.* 14. *Sunderland* Haven in *Durham*, 20 *G.* 2. *c.* 18. The Haven of *Great Yarmouth*, 20 *G.* 2. *c.* 40.

The

The Ports, Members and Creeks of *South Britain* or *England*, as ſettled by Commiſſions out of his Majeſty's Courts of Exchequer, are branched out in the following Deſcription under the ſeveral Heads, *viz.*

| *Ports.* | *Members.* | *Creeks.* |
|---|---|---|
| London | ——— | Graveſend. |
| Ipſwich | Malden | Leigh |
| | | Burnham |
| | | Weſt Merſey |
| | Colcheſter | Eaſt Merſey |
| | | Brickleſey |
| | | Wivenhoe |
| | ——— | Maintree |
| | | Harwich. |
| Yarmouth | Woodbridge | |
| | Aleborough | Orford |
| | | Dunwich |
| | Southwold | Walderſwick |
| | ——— | Leſtoff. |
| | Blackney and Cley | |
| Lynn | Wells | Burnham |
| | ——— | Hitcham |
| | | Croſs-Keys |
| | | Wiſbich. |
| Boſton | ——— | Spalding |
| | | Foſdick |
| | | Wainfleet. |
| | | Numby Chapel |
| | | Thetlethorp |
| | | Sallfleet. |

Hull

| *Ports.* | *Members.* | *Creeks.* |
|---|---|---|
| Hull | Grimſby | Gainthorp. |
| | Bridlington | |
| | Scarborough | |
| Newcaſtle | Whitby | |
| | Stockton | Middleborough |
| | Hartlepoole | |
| | Sunderland | |
| | Shields | |
| | ——— ——— | Seaton-delaval |
| | | Blith Nooke. |
| Berwick | ——— ——— | Aylemouth |
| | | Warnewater |
| | | Holy Iſland |
| | | Eaſt Marches, containing the Coaſt of *Northumberland*, bordering on *Scotland*. |
| Carliſle | ——— ——— | Weſt Marches, containing the Coaſt of *Cumberland*, bordering on *Scotland*. |
| | Whitehaven | Workington |
| | | Ravenglaſs |
| | | Milnthorp. |

Cheſter

| *Ports.* | *Members.* | *Creeks.* |
|---|---|---|
| Chester | Lancaster | Pile of Fowdry |
| | | Graunge |
| | Boulton | Wyrewater |
| | | Preston and Riblewater |
| | Liverpool | Sankey Bridge |
| | | Fradisham |
| | | South Shore of the River Mersey from the red Stones |
| | —— —— | Hilbree |
| | | Dawpoole |
| | | Neston |
| | | Burtonhead |
| | | Baghill |
| | | Mostin |
| | Aberconwey | |
| | Bewmoris | Holyhead |
| | | Amlogh |
| | Carnarvon | Pulhelly |
| | | Barmouth. |
| Milford | Aberdovy | Aberustah |
| | Cardigan | Newport |
| | | Fiscard |
| | Pembroke | Haverford West |
| | | Tenby |
| | | Carmarthen |
| | | Lanelthy |
| | | North Burrys. |

Cardiffe

| *Ports.* | *Members.* | *Creeks.* |
|---|---|---|
| Cardiffe | Swanſey | South Burrys<br>Neath or Britton Ferry<br>Newton |
| | —— —— | Aberthaw<br>Penarth<br>Newport<br>Chepſtow. |
| Glouceſter | —— —— | River Severn, from Bridge-north to King-road. |
| Briſtol | — —— | Pill<br>Uphill. |
| Bridgewater | Minehead. | |
| Plymouth | Padſtow<br>St. Ives<br>Penſance<br>Helford | |
| | Falmouth | Penrin<br>St. Maures<br>Truro |
| | Fowey<br>Lowe | |
| | —— —— | Saltaſh<br>Stonehouſe<br>Cowſland. |

| *Ports.* | *Members.* | *Creeks.* |
|---|---|---|
| Exeter | Ilfordcombe | |
| | Barnſtable | Clovelly, Appledore, Biddeford |
| | —— —— | Tincomb, Stareroſs, Bear and Seaton, Topſham, Powderham, Sydmouth, Lympſon, Exmouth, Aylmouth |
| | Dartmouth | Saltcomb, Brixham, Torbay, Totneſs. |
| Pool | Lyme | Bridport, Charmouth |
| | Weymouth | Portland, Lulworth |
| | —— —— | Swanidge, Wareham. |
| Southampton | —— —— | Chriſt Church, Limington |
| | Cowes | Yarmouth, Newport |
| | Portſmouth | Emſworth |
| Chicheſter | | |

| *Ports.* | *Members.* | *Creeks.* |
|---|---|---|
| Chicheſter | Arundel | Pagham Point, Selſey |
| | Shoreham | Brighthelmſtone |
| | Lewis | New Haven, Seaford |
| | Pemſey | |
| | Haſtings | |
| | Rye | Whinchelſea, Lyd, Rumney |
| | Hythe | Folkſton. |
| Sandwich | Dover | |
| | ——— | Deal, Ramſgate, Margate, Whitſtable |
| | Feverſham | |
| | Milton | |
| | Rocheſter | Queenſborough. |

All theſe Ports are within ſome County, and therefore the Court of Admiralty cannot hold Juriſdiction of any thing done in them. 30 *H.* 6.

As the *Port of London* is of the greateſt Concern, particularly relating to the Cuſtoms, the Extent thereof is ſettled by the Exchequer from the Promontory or Point called *North-Foreland* in the Iſle of *Thanet*, and thence northward in a ſuppoſed Line, to the oppoſite Point called the *Naſe*, beyond the *Gunfleet* upon the Coaſt of *Eſſex*, and ſo continued weſtward through the River of *Thames*, and the ſeveral Channels, Streams, and Rivers falling into it, to *London-Bridge*;

ſaving the uſual and known Right, Liberty and Privilege to the Ports of *Sandwich* and *Ipſwich*, and either of them, and the Members thereof, reſpectively belonging, within the Counties of *Kent* or *Eſſex*.

And in regard that when Ships did come up to the Port of *London*, there uſed to be very great Frauds, committed by a promiſcuous kind of Shipping and Landing of Goods and Merchandizes at ſeveral blind or unknown Wharfs and Keys, by reaſon of which the King was often defeated of his Cuſtoms; therefore the Statute 13 & 14 *Car.* 2. ordained, that a Commiſſion ſhould iſſue out of the *Exchequer* to aſcertain all ſuch Keys, Wharfs, or other Places as his Majeſty ſhould appoint and allow of, for Prevention thereof.

In Purſuance of which, *in Rotulo Scaccarii Anno* 19 *Car.* 2. the *Keys*, *Wharfs* and *Places* hereafter named, are aſſigned, appointed and allowed, to be lawful Keys and Wharfs for the Shipping or Landing of Goods, *viz.*

| | |
|---|---|
| Brewer's Key<br>Cheſter's Key<br>Galley Key<br>Wool Dock<br>Cuſtom-Houſe Key. | *Cuſtom-Houſe Key*, which is much the largeſt of any, hath ſome Stairs on the weſt Side thereof declared not to be a Place for Shipping or Landing of Goods, but for Boats only. |

Porter's

| | |
|---|---|
| Porter's Key<br>Bear Key<br>Sab's Dock<br>Wiggon's Key<br>Young's Key<br>Ralph's Key<br>Dice Key. | The Stairs of *Sab's Dock*, and *Dice Key*, are excluded from being Places of Shipping, or Landing of Goods and Merchandize. |
| Smart's Key<br>Somer's Key<br>Lyon Key<br>Buttolph Wharf<br>Hammond's Key<br>Gaunt's Key. | The Stairs belonging to *Somer's Key*, and on the east Side of *Gaunt's Key*, are declared to be no lawful Places for Landing or Shipping of Goods. |
| Cock's Key<br>Freſh Wharf. | One Place betwixt this Key and Wharf, is alſo declared unlawful for Shipping Goods. |
| Billingſgate | To be a common open Place for the landing or bringing in of *Fiſh*, *Salt*, *Victuals*, or *Fuel* of all Sorts; and all native *Materials for Building*, and for *Fruit*, (Grocery excepted) and for carrying out the ſame. |
| Bridge-Houſe in Southwark | Is allowed a Place convenient for landing of any kind of *Corn*, bought or provided for victualling the City of *London*, and not upon any private Account, or for any other Wares or Merchandize. |

It is declared lawful for any Perſon to ſhip or lade into any Ship or Veſſel on the River *Thames* bound over Seas, and lying between *London* and *Woolwich*, any Horſes, Coals, Beer, ordinary Stones for Building, Fiſh taken by his Majeſty's Subjects, Corn or Grain, the Owners of ſuch Goods firſt paying the Duties thereon charged, and having Warrants duly paſſed for the ſame, *&c.* Alſo any Perſons may unſhip and lay on Land, Deal-boards, Balks, and all ſorts of Maſts, and great Timber, at any Place between *Limehouſe* Dock and *Weſtminſter*; provided the Owners thereof firſt pay or compound for the Cuſtoms and other Duties, and declare the Place at which they will land them before they unſhip any of the Goods, and unlade them in the Preſence of an Officer of the Cuſtoms, having a Licence ſo to do; otherwiſe the ſaid Goods to be forfeited.

If at any time it ſhall ſeem reaſonable to the principal Officers of the Cuſtoms, and conſiſtent with his Majeſty's Service, to give Permiſſion for the Shipping, Lading or Landing of any Goods or Merchandize, at any other Places, than is before mentioned and aſſigned to be lawful Keys and Wharfs; it ſhall be lawful for them to do it, and ſuch Permiſſion ſhall be good and warrantable, without any Forfeiture or Advantage to be taken againſt the Goods ſo landed.

The ſeveral *Keys and Wharfs* deſcribed and allowed to be free Places for Shipping and Landing of Goods and Merchandizes as aforeſaid, according to the Act of Parliament, are and ought to be left open at the Diſtance of forty Feet from the Water-ſide; and ſhall not be ſeparated or divided one from another by any Houſe, Wall, Pales, Rails, or other Impediment whatſoever, but only

by Stones or Marks in the Pavement, for the Diſtinction of Property, and not otherwiſe: And all the Paſſages, Lanes or Cartways leading to the ſaid Keys or Wharfs, from *Thames-ſtreet*, ſhall be of the Breadth of eleven Feet at leaſt; and if of larger Breadth or Dimenſion heretofore, ſo they ſhall continue.

Where *Cranes* are ſet up on the ſaid Wharfs by the Owners or Poſſeſſors of the Ground, they ſhall not exceed the following Dimenſions; a ſingle Crane with one Wheel, to be twelve Feet in Breadth, and a double Crane with two Wheels twenty Feet, and each of them in Depth or Length from the Wall or Campſhot twenty-one Feet at moſt: And the ſaid Cranes, as well ſingle as double, ſhall be kept open and free for common Paſſage, from the Ground to the Floor under the Wheels, without any other Incloſure, Partition, Separation or Hindrance by Poſts or Spurns, than the neceſſary Poſts and Timber which ſupport the ſame at both Ends; and the open Height of the ſaid Cranes is to be at leaſt ten Feet and a half from the Ground to the ſaid Floors under the Wheels, that Carts and Carriages may freely paſs under them.

And it ſhall not be lawful for any Perſon to build any Jets, Penthouſes, Warehouſes, Rooms, Lodgings, or any manner of Poſts, Sheds or Buildings, contiguous to the ſaid Cranes, or on any part of the open Wharf of forty Feet in Breadth, more than what is convenient about the Cranes for the Wheels to work upon, and ſufficient covering thereunto, not exceeding the Height, Breadth and Length aforeſaid: And as a further Ornament, theſe Cranes are to be laid in Oil and colour'd Blue; and in the Front thereof

towards the *Thames* ſhall be placed the King's Arms, painted and ſet in a Frame, with a decent Moulding about it, of four Feet and a half Diameter.

If any Wharfinger or Owner of any of the Wharfs or Grounds allowed for Shipping or Landing of Goods, do not conform to the Rules and Methods hereby preſcribed and directed for their Wharfs, Cranes or Buildings, or ſhall diſcontinue or alter the ſame, or make Incroachments thereupon; after publick Notice given by any three or more of the principal Officers of his Majeſty's Cuſtoms, by fixing up a Writing under their Hands, upon the Wharf where the Fault ſhall be committed, declaring the Offence, and limiting a Day and Time for the Amendment thereof; in ſuch caſe if it be not amended or performed accordingly, then ſuch Wharf or Crane ſhall from thenceforward be no more reputed or taken, or have the Benefit or Privilege as a lawful Place of Shipping or Landing of Goods or Merchandize; but be utterly debarred thereof, unleſs reſtored by his Majeſty's ſpecial Warrant; and nevertheleſs the ſaid Buildings and Incroachments to be demoliſhed and removed.

The Wharfingers or Poſſeſſors of any of the Keys or Wharfs, or their Servants, ſhall not ſuffer to ſtand or remain upon their Wharfs or Paſſages leading to them, any more Cars or Carts than ſuch as ſhall be immediately called to lade or take up Goods, Wares or Merchandize there. And no further or other Paſſage may be made or enlarged to the Wharfs, or any part of the River *Thames*, within the Limits aforeſaid, other than the ancient and common Paſſages to the ſame.

*Wharfingers*

*Wharfingers* commonly keep Boats or Lighters of their own, for the carrying out and bringing in of Goods; in which, if a Loſs or Detriment happens, they may be made liable: And they have ſeveral Managers over them; alſo a Committee to redreſs Grievances relating to Merchants, *&c.* The *Wharfage* Money paid for Landing of Wines at a Wharf, and for Shipping or taking in Goods into a Boat or Barge, are in general computed at the Rate of 12*d. per* Ton, except for Sugars, *&c.* from the *Weſt Indies*, which pay 2*s.* the Ton, four Hogſheads being reckoned a Ton. *Cranage* is included in the 12*d. per* Ton Wharfage; and the *Lighterage* is half as much as the Wharfage.

*Wharfage* of all Goods not exceeding 5*s.* is to be paid down on the Wharf, at the taking up of the Goods; and if not, the Wharfinger may detain the Goods till Payment. But Wharfingers or Keepers of Keys, *&c.* are not to ſuffer uncuſtomed or prohibited Goods to be Waterborn or taken on Land, without an Officer of the Cuſtoms being preſent, under the Penalty of 100*l. Stat.* 14 *Car.* 2.

There is a Duty of *Package* ſet and rated in a Table, taken of ſeveral Goods and Merchandizes: And all Goods not mentioned in the Table are to pay for Package, after the Rate of one Penny in the Pound, according as they are expreſs'd or valu'd in his Majeſty's Books of Rates; and all others, not therein mentioned, ſhall pay at the ſame Rate, according to their true Value. For every Entry made in the Packer's Books for Bills outward, is paid one Shilling.

And *Porterage* is to be paid to thoſe who attend the Water-ſide, and belong to the Package-Office:

Office: Theſe Porters have likewiſe Tables aſcertaining their Dues for Landing of Strangers Goods, and Shipping out their Goods; and Goods and Merchandize not expreſſed in the Table, are to pay Porterage Duties in like manner as for other Goods of like Bulk therein particularly ſpecified. Of *Porters* there are four Sorts for the Service of Merchants, *&c.* The Company's Porters, that land and ſhip off all Goods exported or imported to or from the *Baltick* Sea, *Holland*, *France*, *Spain*, *Italy*, *Germany*, *Turkey*, &c. The Ticket-Porters, who are all Freemen, and it is their Buſineſs to land and ſhip off Goods exported or imported from all parts of *America*, &c. The Tackle-Porters are ſuch of the Ticket-Porters as are furniſhed with Weights, Scales, *&c.* and their Buſineſs is to weigh Goods. The Fellowſhip-Porters land or ſhip off Goods or Merchandize, that are meaſurable by dry Meaſure, ſuch as Corn, Salt, *&c.*

Beſides the Rates of Porters thoſe of *Carmen* are aſcertain'd, for the carrying of Goods to and from the Water-ſide; and if they take more than thoſe Rates, they may be committed to Priſon by the Lord Mayor of *London*, &c. And Carmen ſtanding empty, refuſing to load Goods on Demand of the Merchant, ſhall be liable to a Penalty of 5*s.* They are not to carry above twenty hundred Weight at one time, under the like Penalty; and muſt be licenſed, *&c.* Alſo Carts are to have Wheels ſix Inches in the Felly, without Iron; to be drawn by two Horſes, after they are up the Hills near the Water; and Men not to ride in them, without having one on Foot to guide them, on certain Penalties, by Statute.

An ancient Duty called *Water-Bailage*, is received by the City of *London* for all Goods and Merchandizes

Merchandizes imported, as well from any Port within the Realm, as from any other Ports out of the Realm to the ſame; and alſo a Duty for all Goods as ſhall be exported from the Port of *London* to any other Port within the Realm, and likewiſe abroad.

*Scavage* is a kind of Toll or Cuſtom, exacted by Mayors, Sheriffs, *&c.* of Merchant-Strangers, for Wares brought hither expoſed to Sale within their Liberties; prohibited by the Statute 19 *H.* 7. *c.* 8. But the City of *London* ſtill retains this ancient Cuſtom: And the Lord Chancellor, Treaſurer, Preſident of the Council, Privy Seal, Steward, and two Juſtices of the King's Bench and Common Pleas, aſcertain theſe Duties, and order Tables to be made mentioning the Particulars.

In the Sea and great Rivers, *Paſſage* ought to be allow'd to thoſe that have need thereof for juſt Cauſes; but nevertheleſs a Duty or Tribute may be impoſed, for whatſoever Burthens have Relation to Merchandize: And the Paſſengers are ſubject to ſuch Reſtrictions, Laws and Ordinances of Places, as ſhall be made concerning the ſame.

A Duty term'd *Primage* is paid to the Maſter and Mariners of Ships; to the Maſter for the Uſe of his Cables and Ropes, to diſcharge the Goods of the Merchant, and to the Mariners for loading and unloading of the Ship or Veſſel in any Port or Haven; it is uſually about 1 *s. per* Ton, or 6 *d. per* Pack or Bale, according to Cuſtom.

*Petty Average* is a ſmall Duty which Merchants pay to the Maſters, when they only take Tonnage, over and above the Freight; which is paid as a Recom-

Recompence or Gratuity for the Maſter's Care over the Lading; and in the Bills of Lading, there is mention, after Freight, together with *Primage* and *Average* accuſtom'd: But ſome conceive, that the Average mentioned in the Bills, is that which is appointed as a Contribution for Loſſes.

*Exportation and Importation.* See *Cuſtoms.*

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## CHAP. XVI.

### *Of Cuſtoms and Subſidies,* &c. *and Cuſtom-Officers, by ancient Statutes.*

CUſtoms are the common Tribute or Toll that Merchants pay to the King, for carrying out and bringing in of Merchandize.

By the Word *Cuſtoms* were originally underſtood the Duties payable for native Commodities exported; but it is now uſed to ſignify the ſeveral Duties payable on the Importation of Merchandizes, which were formerly called Priſe or Priſage, as well as thoſe payable on Exportation.

They are Duties certain, payable to the Crown for Goods exported and imported, and are due to the King of common Right; firſt, becauſe the Subject hath Leave to depart the Kingdom, and to export the Commodities thereof; ſecondly, for the Intereſt and Dominion which the King hath in the Sea, and as he is Guardian of and Maintainer of all the Ports, wherein the Commodities

modities are exported or imported; and laſtly, for that the King protects Merchants upon the Seas, againſt Enemies and Pirates. *Dyer* 43.

It is mentioned by Hiſtorians, that threeſcore Years before the Birth of our Saviour, when the *Jews* became tributary to *Rome*, by the Conqueſts of *Pompey*, Cuſtom-Money or Tribute was exacted by the Senate; ſo early were Cuſtoms introduced. And Cuſtoms, Subſidies, Tolls, Impoſts and other Duties upon Commodities imported or exported are due to Princes and States by the general Laws of Nations; they have a Right to them by their Prerogatives: And tho' our King cannot impoſe any Duties on Merchandize without Conſent of the Parliament; yet by his Prerogative, he may reſtrain Merchants from trading, without his Royal Licence.

The Word *Cuſtoms* here in *England* comprehends *Magna & Antiqua Cuſtuma*; which by our old Laws is to be paid out of our own native Commodities, as for Wool, Woolfells and Leather; and *Parva Cuſtuma*, which are Cuſtoms payable by Merchants, Strangers and Denizens; and theſe began in the Reign of *Edw.* 1. when the Parliament granted him certain Duties for every Laſt of Hides, and for Scarlet and other Cloths, alſo on Wax carried out of the Kingdom; and 3*d.* in the Pound for all other Merchandizes imported and exported: And Merchant Strangers are to pay double Cuſtom for Lead, Tin and woollen Cloth, *&c. Chart. Mercat.* 31 *Ed.* 1.

But that which is granted by Parliament, is properly called a Subſidy; and ſometimes granted to the King for Life; and there are ſeveral Sorts of theſe Subſidies, as Tonnage, a Duty out of every

every Ton of Wine imported, which was first granted by Parliament to King *Edward* 3. And Poundage, a Subsidy granted for all Goods exported and imported, except Wines, *&c.* and is usually the twentieth part of the Value of the Goods, or 12*d.* in the Pound; and this was first given to *Henry* 6. for Life. 1 *Nelf. Abr.* 583, 584.

In the Reign of *Edw.* 3. the Great Charter for free Traffick was confirmed: And *Anno* 6 *E.* 3. it was enacted, that no new Customs should be levied, nor ancient increased, but by Authority of Parliament. But it has been resolved, upon a Reference to the Judges, that where a foreign Prince lays a Duty on Merchandizes imported by our Merchants abroad; in such case the King may lay a Duty upon their Goods imported here, to make an Equality for the Benefit of Trade; but then such Duty cannot have any certain Continuance, but is to be augmented, decreased, or quite taken away upon just Occasion, for the Advancement of Trade and the publick Good. These Impositions by the King have been adjudg'd lawful, being for the Profit of the common People, and not to their Charge. 2 *Inst.* 60. 12 *Rep.* 33.

By the Statute 14 *Ed.* 3. *c.* 21. it was enacted, that a Mark should be paid as Custom for a Sack of Wool and of Woolfells, and for Leather the former Custom; and for every Sack of Wool exported, four Nobles worth of Silver Plate was to be imported and brought to the King's Exchange, where the Party should receive his Money for the same. This Statute likewise mentions other Merchandizes that pass the Sea; but it was made

made but for a ſhort time, after which no more than the old Cuſtoms to be taken.

No Iron made in *Great Britain*, nor Iron brought into *Great Britain*, and there ſold, ſhall be carried forth of the Realm, upon pain of Forfeiture of the Money to the King, by *Stat.* 28 *Ed.* 3. *c.* 5. This is repealed as to Iron of *Engliſh* Ore, by 5 & 6 *W.* & *M. c.* 17. And *Britiſh* Subjects may export unwrought Iron to *Spain*. No Man ſhall tranſport Gold or Silver, without the King's Licence, on pain of forfeiting it to the King; and the Searcher ſuffering the ſame ſhall forfeit his Office and all his Goods, and be impriſoned a Year, and any Perſon proving it ſhall have half thereof. But no Owner ſhall loſe his Ship, for a ſmall thing put within the Ship not cuſtomed, without his Knowledge. *Stat.* 38 *Ed.* 3. *c.* 8. 5 *Rich.* 2. *c.* 2. 2 *Hen.* 4. *c.* 5.

In a Statute made in the 28th Year of the Reign of King *Edw.* 3. it is ordain'd, that no manner of Ship which is freighted towards *England* or elſewhere, ſhall be compelled to come into any Port of *England*, nor there to tarry againſt the Agreement of the Maſters and Mariners, or of the Merchants to whom the Goods belong; and if ſuch Ships come of their own good Will, or be driven by Tempeſt, Caſualty or Misfortune to any Port in *England*, and the Maſters or Mariners, or Merchants of the ſame Ships, will ſell or deliver part of their Merchandizes with their good Will, it ſhall be lawful for every Perſon to buy ſuch Merchandizes freely without Impeachment, in the Port where ſuch Ship ſhall come, altho' the Merchandizes be not put to Sale on the Land; and that the Maſters, Mariners and Merchants, after they have ſo ſold

ſo

ſo much as pleaſeth them of their ſaid Goods, and the Cuſtoms thereof paid, may freely depart and go with their Ships, and all the Remainder of their Goods where it ſhall pleaſe them, without paying any Cuſtom for the ſame: And by this Act the aforeſaid Statute ſhall be kept in all points and duly executed; notwithſtanding any Ordinance or Uſage to the contrary. *Stat.* 20 *Rich.* 2. *c.* 4.

No Cuſtomer, or Comptroller, Searcher, *&c.* ſhall have his Office for Life or Years, but that the ſame remain in the King's Hands under the Treaſurer for the time being; and the Cuſtomers, Comptrollers and Searchers, *&c.* ſhall be reſident upon their Offices, and be ſworn to the ſame, on pain of Impriſonment, and to pay 100*l.* Fine to the King and Informer: Alſo every Cuſtomer ſhall be ſworn to his Account in the Exchequer. And no Man which holdeth a common Hoſtery ſhall be a Cuſtomer, Comptroller, Finder or Searcher. *Stat.* 1 *Hen.* 4. *c.* 13. 4 *Hen.* 4. *c.* 20. 11 *Hen.* 4. *c.* 2. 17 *Rich.* 2. *c.* 5.

If any Cuſtomer, Collector or Comptroller, ſhall be convicted of falſe concealing any Cuſtoms duly entered and paid by any Merchant, he ſhall forfeit treble the Value of the Merchandize to the King, and make Fine and Ranſom; of which Penalties the Proſecutor ſhall have a third part. Every Cuſtomer and Comptroller ſhall deliver to the Merchant a Warrant (under the Seal of their Office) of the Merchandize to them ſhewed, without Fee, in pain of being ſubject to be ſued by the Merchant, and to forfeit for every Default 10*l.* to the King, and 5*l.* to the ſaid Merchant. And no Cuſtomer, Comptroller, Searcher, Surveyor, or their Clerks, Deputies,

puties, Miniſters, or Servants, ſhall have any Ships of their own, or freight Ships, uſe Merchandize, keep a Wharf, Inn or Tavern, or be a Factor, Attorney, or Hoſt to any Merchant, on pain of 40*l.* to be divided between the King and the Proſecutor. *Stat.* 3 *Hen.* 6. *c.* 3. 11 *H.* 6. *c.* 15. and 20 *H.* 6. *c.* 5.

By the Statute 3 *Ed.* 4. *c.* 4. No Merchant or other Perſon ſhall bring, ſend or convey, or cauſe to be brought, ſent or conveyed into this Kingdom, to be uttered and ſold within the Realm, any of the Goods, Wares or Things hereafter mentioned, upon pain to forfeit the ſame as often as they may be found in the Hands of any Perſon to be ſold, half to the King and half to the Seizor, *viz.*

Woollen Caps,
Woollen Cloths,
Laces,
Corſes,
Ribbands,
Fringes of Silk and Thread,
Laces of Thread,
Silk twined,
Silk in any wiſe imbroidered,
Laces of Gold, or Silk,
Saddles,
Stirrups, or any Harneſs pertaining to Saddles,
Spurs,
Boſſes for Bridles,
Andirons,
Gridirons,
Locks of any Kind,
Hammers,
Pinſons,
Fire-tongs,
Dripping-pans,
Dice,
Tennis-balls,
Points,
Purſes,
Gloves,
Girdles,
Harneſs for Girdles, of Iron, Latten, Steel, Tin, or Alkmine,
Things wrought of any tawed Leather,
Tawed Furs,
Buſkins,
Shoes,

Galloches or Corks,
Knives,
Daggers,
Wood-knives,
Bodkins,
Shears for Taylors,
Sciſſors,
Razors,
Cheſs-men,
Playing-Cards,
Combs,
Pattens,
Pack-Needles,
Painted Ware,
Forcers,
Caſkets,
Rings of Copper, or of Latten gilt,
Chafing-Diſhes,
Hanging Candleſticks,
Chafing-Balls,
Sacring Bells,
Rings for Curtains,
Ladles,
Scummers,
Counterfeit Baſons,
Ewers,
Hats,
Bruſhes,
Cards for Wool,
* Blanch Iron Thread, commonly called White Wire.

Provided that this Act ſhall not extend to any of the ſaid Wares and Things taken upon the Sea without Fraud or Colluſion, nor to any wreckt Goods, nor to Wares made and wrought in *Ireland*.

And the 1 *Rich.* 3. *c.* 12. ordains, that no Merchant Stranger ſhall bring or import into this Realm to be ſold here, any of the following Wares, on pain to forfeit all the ſaid Wares or the Value, in whoſe Hands they ſhall be found, *viz.* any Manner of Girdles, or Harneſs wrought for Girdles, Points, Leather-Laces, Purſes, Pouches, Pins, Gloves, Knives, Hangers, Taylors Sheers, Sciſſors, Andirons, Cupboards, Tongs, Fire-Forks, Gridirons, Stock-Locks,

* Alter'd by 2 *W. & M. c.* 4.

Keys,

Keys, Hinges and Garnets, Spurs, Painted Glaſſes, Painted Papers, Painted Forcers, Painted Images, Painted Cloths, Beaten Gold, or beaten Silver, wrought in Papers for Painters, Saddles, Saddle-Trees, Horſe-Harneſs, Boots, Bitts, Stirrups, Buckles, Chains, Latten Nails with Iron Shanks, Turnets, Hanging Candleſticks, Holy-Water Stops, Chafing-Diſhes, Hanging Lavers, Curtain Rings, Cards for Wool, Roan Cards, (except Claſps for Garments) Shears, Buckles for Shoes, Broches or Spits, Bells, Hawks Bells, Tin and Leaden Spoons, Wire of Latten and Iron, Iron Candleſticks, Grates, Horns for Lanthorns. Or any of the ſaid Wares, made and wrought, pertaining to the Crafts following, *i. e.* Girdlers, Pointmakers, Pinners, Purſers, Glovers, Joyners, Painters, Cardmakers, Wiremongers, Weavers, Horners, Bottlemakers or Copperſmiths; one half of the Fine and Forfeiture to be to the King, the other to them that will ſeize or ſue for the ſame, by Action of Debt, Writ or Bill at the Common Law, or by Bill or Plaint according to the Cuſtom of the City or Town where any ſuch Fines or Forfeitures ſhall happen; wherein the Defendant ſhall not be allowed to wage his Law, nor have any Eſſoin or Protection of the King.

Every Merchant that ſhall bring any Goods into any Port of this Realm, and there enter the ſame in the Books of the Cuſtomers of the ſaid Port where the Goods ſhall firſt come to, and the King's Duty thereof contented to the ſaid Cuſtomer, or therefore with him agreed, and after that done ſhall convey or carry the ſame Goods from thence unto any other Port within the Kingdom; the Owner of the ſaid Goods, his Factor

or Attorney, shall bring from the Customers of the Port where the Goods are so entered, a Certificate under the same Customer's Seal, directed to the Customers of the Port whereto the said Goods shall be conveyed or carried, making mention therein as well of the natural Colour, Length and Value of all the Merchandize entered, used to be measured with the Ell or Yard, as the natural Weight, Content, or Value of all manner of other Merchandizes used to be weighed or valued, which said Certificate is to be delivered to the Customers before the Goods are discharged, so that they may see and examine whether the Nature, Colour, or Length, Value, Content, or Weight thereof do agree with the Certificate, and that the King may not be deceived of his Customs and Subsidies: And if any Certificate be made by any Customers of Ports to which any Goods shall be first brought, and there in their Books entered, without making mention of the Particulars as aforesaid, the said Customer or Customers, for such Misbehaving, shall lose their Office, and make Fine to the King at his Pleasure.

And if any such Goods, or any Parcel thereof, be discharged, unpack'd, or put to Sale in any Port than the same where they shall be first entered before the said Certificate shall be delivered, and the same Goods seen as above expressed, then all the said Goods to be forfeited, half to the King, and the other half to him who shall make Proof thereof; for the Sight of which Goods no Fee shall be taken. And it is ordained, that no Person shall take upon him to be a Customer, Comptroller or Searcher in any Port, in any City, Borough or Town where he is a common

Officer or Deputy to any ſuch common Officer, upon pain of forfeiting 40*l.* for every ſix Months he ſo executes both the ſaid Offices together, to be divided between the King and the Proſecutor or Informer. *Stat.* 3 *Hen.* 7. *c.* 7.

By the 1 *H.* 7. *c.* 2. which mentions that in times paſt Grants had been made as well by Letters Patent as by Acts of Parliament, to divers Merchant Strangers, born out of this Realm, to be Denizens, whereby they had and enjoyed ſuch Freedoms and Liberties, as thoſe Perſons that were born within the Realm, to the Abatement of the Cuſtoms which they ſhould pay if they were not Denizens, and alſo in buying and ſelling their Merchandize to their great Profit; and oft-times they ſuffered other Strangers deceitfully to ſhip and carry away conſiderable Subſtance of Merchandize in their Names, by which means the ſaid Goods were free from Cuſtom, in like manner as if they had been Goods of a Denizen, when of Right they ought to pay the ſame, as for Strangers Goods, thereby greatly advancing themſelves in Riches and Honour; and after they were ſo enriched, for the moſt part they removed with their Effects into their own Countries, to the great Impoveriſhment of this Kingdom, and the Defrauding of the King of his Cuſtoms: Therefore it is enacted by this Statute, that any Alien made, or hereafter to be made Denizen, ſhall pay for his Merchandize ſuch Cuſtom and Subſidy as he ought or ſhould pay before he was made a Denizen; any Letters Patent, or Ordinances by Parliament, or otherwiſe, to the contrary notwithſtanding. And Merchants Strangers, though made Denizens, are to pay the ſame Cuſtoms, as they ſhould have paid if

they had not been made Denizens, by 11 *H.* 7. *c.* 14.

No Perſon ſhall bring or cauſe to be brought into this Kingdom of *England* to be ſold, any Silk wrought abroad in Ribbands, Laces, Girdles, Corſes, Cauls, Corſes of Tiſſues, or Points, on pain of Forfeiture of all the ſaid Ribbands, Laces, Girdles, Corſes, *&c.* and every of them, in whoſe hands ſoever they are found, or the Value of the ſame; the one Moiety of the ſaid Forfeiture to be to the King, and the other Moiety to any of the King's Subjects that will ſeize the ſaid Things, which it ſhall be lawful for every of them at all times to do: But any Perſons, Strangers or others, may bring in all manner of Silks, wrought or raw and unwrought, to ſell here at their Pleaſure. *Stat.* 19 *Hen.* 7. *c.* 21.

Any *Engliſhman* and other Subject of the King's, in any Port within *England*, *Ireland* or *Wales*, where it ſhall happen any Merchandize ſhall arrive, may cuſtom in his own Name the Goods of another *Engliſhman* or Subject: And every Merchant Stranger may cuſtom in his Name the Goods of any other Merchant Stranger, ſo as the Merchant Stranger that cuſtoms the ſaid Goods of another, and alſo the Owner or Proprietor thereof, be charged with like Cuſtoms, ſo that the King be not defrauded of his Right. And if any Stranger or Denizen, or other the King's Subjects, cuſtom any Goods or Merchandize belonging to another, whereby the King loſeth his Cuſtoms or other Duties, they ſhall forfeit the Goods to the King, and as much to any Perſon grieved thereby, as ſuch Goods are worth. None free of Priſage or Butlerage of Wines, ſhall cuſtom Wine of another not being free thereof, in

pain

pain of forfeiting double Value of the Wines customed: And an Action of Debt is given to the Party grieved againſt him that cuſtoms Goods in his own Name, when they are another Man's, to recover the Value of the Goods ſo cuſtomed. *Stat.* 1 *Hen.* 8. *cap.* 5.

And by the Statute 2 & 3 *Ed.* 6. *c.* 22. If any Perſons ſhall do any thing contrary to the Purport and true Meaning of the ſaid Act of 1 *H.* 8. *c.* 5. the Parties offending ſhall forfeit all their Goods and Chattels perſonal for ever; a Moiety whereof ſhall go to the King, and the other Moiety to him or them that will ſue for the ſame by Bill, Plaint, Action of Debt or Information, if the Action, *&c.* be proſecuted within three Years after the Offence; in which no Wager of Law, Eſſoin or Protection ſhall be allowed.

All Subjects born in *England*, who are ſworn to be ſubject to any foreign Prince or Lords abroad, ſhall, as long as they abide and be ſubject to ſuch foreign Prince or Lords, pay ſuch Strangers Cuſtoms as other Perſons do where ſuch *Engliſhmen* reſide, and that are Subjects belonging to the ſaid Prince or Lords, as well inwards as outwards; the Knowledge of which ſaid *Engliſh* Traders abroad, to be had by Certificate from our Ambaſſadors, *&c.* But in caſe any ſuch Perſons ſhall return into *Great Britain*, and here tarry and inhabit, then they ſhall be reſtored to all their Liberties and Freedoms and pay only *Britiſh* Cuſtoms; for which they ſhall have a Writ out of the Chancery, to be permitted to have the ſame. *Stat.* 14 & 15 *H.* 8. *c.* 4.

No Perſon or Perſons within the Realm ſhall buy or otherwiſe take by Exchange for other Goods, any manner of Wares made out of this

Realm, of Tin or mixt therewith, as Platters, Dishes, Saucers, Pots, Basons, Ewers, Flagons, Goblets, Saltsellers, Spoons, or any other Thing made of Tin or Pewter, on Forfeiture of the said Wares, or the full Value thereof, half to the King, and half to the Finders. And none shall convey out of the Kingdom, any Brass, Copper, Latten, Bell-metal, Pan-metal, Gun-metal, or Shroff-metal, clean or mixed (Tin and Lead only excepted) on pain of forfeiting double the Value, one Moiety to the King, and the other to the Informer: Also no Persons shall ship or carry any of the said Metals from one Port to another within this Realm, unless before the shipping thereof they do declare to the Customer the true Weight, and become bound to the King's Use in double it's Value, with Condition, that the same shall be discharged at some other Port or Creek within the Realm, on pain of Forfeiture; and in eight Months to produce a Certificate from the Customer of the Port where discharged, testifying the same. And any Customer or his Deputy making a false Certificate, shall forfeit his Office, and the Value of the Goods concealed: But there is a Proviso, if any of the said Metal be lost at Sea, or taken by Enemies, Pirates, *&c.* on Proof thereof, the Party shipping the same shall have his Bond delivered up, *&c.* 25 *H.* 8. *c.* 9. 33 *H.* 8. *c.* 7.

By Statute 2 *&* 3 *Ed.* 6. *c.* 37. a Penalty of 10*l.* for every thousand Weight of Metal transported, is added to the aforesaid Forfeiture; and the like Sum for each thousand Weight carried from one Port to another, is to be added to the Penalty of the Bond for the proper Discharge thereof. If any Customer, Comptroller, or their Deputies shall

ſhall take any Bond without Date, they ſhall be liable to forfeit their Offices, *&c.* And in caſe any Maſter of a Ship, Owner, Purſer or Boatſwain, ſhall ſuffer any of the ſaid Metals to be ſhipped unlawfully, and not diſcover the ſame in three Days to the Cuſtomer or Comptroller where ſhipped, they ſhall forfeit double the Value; and if any Cuſtomer or Searcher do willingly ſuffer any of the ſaid Metals to be ſo ſhipped, contrary to the Act aforeſaid, or having Knowledge thereof do not ſeize the ſame, he ſhall loſe his Office, and the Value of the Metals. And there is another Clauſe, that no Perſons ſhall lade any ſuch Metal in any Port or Creek, where the Cuſtomer or his Deputy are not reſident, on pain of Forfeiture thereof, and 10*l.* for every thouſand Weight; a Moiety of all which Forfeitures to be to the Uſe of his Majeſty, the other to the Informer proſecuting in any of the King's Courts.

Upon conſideration that white Aſhes made within the Realm, and other the King's Territories and Dominions, are very neceſſary for the making of Soap and Salt-petre, and for whitening of Linen Cloth, dying and ſcouring of Woollen, *&c.* therefore it is enacted, that no Perſons ſhall ſhip, carry or convey any white Aſhes to Parts beyond Sea, on pain of forfeiting 6*s.* 8*d.* for every Buſhel of ſuch Aſhes ſo ſhipped or laded, to be carried or conveyed into the Ports beyond the Seas; half to the King, and half to him or them who will ſue for the ſame, by Action, Bill, Plaint or Information, *&c. Stat.* 2 *&* 3 *Edw.* 6. *c.* 26.

For the avoiding of Corruption that may happen to be in Officers, in thoſe Places wherein are requiſite true Services of Truſt, and to the Intent

tent that Perſons worthy and meet to be advanced to any Place or Service of Truſt, &c. ſhould be preferred to the ſame, and none other: It is ordained by Statute, that none ſhall bargain or ſell any Office or Deputation, or any part thereof, nor receive or take any Money, Fee or Reward, or other Profit directly or indirectly for any Office in the King's Cuſtoms, or Adminiſtration or Attendance in any Cuſtom-Houſe, &c. on pain that the Perſon who ſhall bargain or ſell ſuch Office, &c. ſhall forfeit all his Right to the ſame, or in the Gift or Diſpoſition thereof; and the Perſon who ſhall give or pay any Money, or make any Promiſe, Bond or Agreement, for ſuch Office, &c. ſhall be adjudged a diſabled Perſon in Law to have, occupy or enjoy the ſaid Office; and all ſuch Bargains, Sales, Bonds, Promiſes, Agreements, &c. ſhall be void. *Stat.* 5 & 6 *Ed.* 6. *c.* 16.

By a Clauſe in the Statute 7 *Ed.* 6. *c.* 1. *ſect.* 13. It is enacted, that all Receivers of the King's Revenues, Cuſtomers and Collectors of Cuſtoms, within any Port, Haven or Creek of this Kingdom, ſhall by themſelves or their Deputies for whom they will anſwer, within ten Days next after Notice to them given by the King, or ſix of his Privy Council, in Writing ſigned with their Hands, declare what Money then due to the King is in their Hands or Cuſtody, and make ready and full Payment of all the ſaid Money above the ordinary Payments and Sums expreſſed in ſufficient Warrants, remaining in their Offices, to the Uſe of the Lord the King, at ſuch time as they ſhall be commanded and appointed; on pain of Forfeiture of Office, &c.

The

The Statute 1 *Eliz. c.* 11. ordains, that it ſhall not be lawful for any Perſons to lade or put into any Ship, Veſſel, Crayer, Lighter or Bottom, any Goods or Merchandize, (Fiſh taken by *Engliſh* Subjects only excepted) to be tranſported to any Places beyond the Seas; or to take up, diſcharge and lay on land, out of any Lighter, Ship, Veſſel or Bottom, being not in a Leak or Wreck, any Goods, Wares or Merchandizes (except Fiſh taken as aforeſaid, and Salt) to be brought from any of the parts beyond the Seas, by way of Merchandize, but only in the Day Light; that is to ſay, from the firſt of *March* until the laſt of *September*, betwixt Sun-riſing and Sun-ſetting, and from the laſt of *September* to the firſt of *March*, between the Hours of ſeven in the Morning and four in the Afternoon; and in and upon ſome ſuch open Places, Keys or Wharfs, as the Queen, her Heirs or Succeſſors ſhall aſſign and appoint, within the Ports of *London*, *Southampton*, *Briſtol*, *Weſtcheſter*, *Newcaſtle*, and the Suburbs of the ſame, and every of them, and ſo of all other Ports, Havens or Roads, (excepting *Hull*) where a Cuſtomer, Comptroller, and Searcher, or their Servants, ſhall be reſident; upon pain of Forfeiture of all Goods, laden or diſcharged contrary to the true Meaning of this Act, or the Value thereof.

No Perſon ſhall receive or take into any Ship, Crayer or other Veſſel to be tranſported, nor ſhall diſcharge or lay on land, out of any Ship or Veſſel, any Goods, being brought from any Place beyond Sea, by way of Merchandize, in any other Places, or at any other Hours or Times than is before appointed; on pain that the Owner and Owners, Maſter and Maſters, or other Perſons

sons who shall take the Charge or Guiding of any such Ship or Vessel, or of the Goods during the Voyage, shall forfeit for every Offence 100*l.* and no Master, Purser, or other Person taking Charge of the Voyage, or of the Merchant's Goods, shall receive into any Ship or Vessel any Goods, Wares or Merchandize, to be carried or transported into any parts beyond the Seas, before he shall have signified to the Customer of the Port where he ladeth, and other Officers there in the open Custom-House, if any such there be, or else where the Officers are, that he intendeth to lade, and pass to such a Place; nor shall after his or their full Lading depart out of the Port or Place where he shall so lade, before he do in like manner signify unto the Customer, and other Officers as aforesaid, of his Lading, and what Merchant and other Persons shall have laden with him or in his Ship or Vessel, and further truly do answer to such Questions as shall be ministered to him or them by the Customer or other Officer concerning such Goods and Merchandizes as he shall have laden, being examined upon Oath or otherwise, in the open Custom-House or elsewhere as aforesaid, on pain of forfeiting 100*l.* for every Default.

Also no Owner, Master, Purser or other Person, taking Charge of any Ship, Vessel or Bottom, where any Goods or Merchandize shall be laden and brought from any parts beyond the Sea, shall discharge into any Lighter and lay on land, or cause, procure or willingly suffer to be so discharged, out of such Ship, Vessel or Bottom, any of the Goods or Merchandizes whatsoever, before such Owner, Master, Purser or other Persons taking Charge of the Ship or Vessel,

ſel, or the Merchants Goods for that Voyage, ſhall have ſignified and declared to the Cuſtomer or other Officer of the Port, Haven or Creek where he arriveth, the Names of every the Merchants or Laders, and ſhall have truly anſwered to ſuch Queſtions and Interrogatories concerning the ſaid Goods and Merchandize then laden in the ſaid Ship or Veſſel, as ſhall be to him miniſtred by ſuch Cuſtomer or other Officer openly in the Cuſtom-Houſe, or in ſuch other Place as aforeſaid, upon his or their Oath, if need require, upon pain that every Maſter, Purſer or other Perſons taking Charge of ſuch Ship or Veſſel for that Voyage, ſhall forfeit and loſe for every Default in not advertiſing or anſwering as aforeſaid, 100*l.*

No Perſon, Denizen or Stranger, ſhall take upon him to enter, or cauſe to be entred in the Books of any Cuſtomer, or other Officer of any Port or Haven within this Realm, or his or their Deputy or Deputies, Servant or Servants, any manner of Goods, Wares or Merchandizes whatſoever, coming or brought into this Realm, from any parts beyond the Seas, or going to be tranſported out of the ſame into foreign Parts, in the Name or Names of any other Perſon or Perſons, than the very Owner or Owners of the ſame Goods or Merchandizes, being not ſold, bargained or contracted for, to or with any Perſon or Perſons before ſuch Entry, or before the Arrival of ſuch Goods, Wares or Merchandize in the Parts beyond the Sea, upon pain of Forfeiture of the Value of the Goods ſo entered.

And if any Wharfinger, Crane-keeper, Searcher, Lighterman, Waiter, or other Officer belonging to the Subſidy, Cuſtoms or Cuſtom-Houſe

do,

do, at any time hereafter, consent to or know any Offence or Thing to be committed or done contrary to the true Meaning hereof, and do not, within one Month next after such Knowledge had, disclose the same to the chief Customer, or other Officer of the Port where or in whose Office or Charge any such Offence shall be committed, or else to the Lord Treasurer, Chancellor, Under-Treasurer, or one of the Barons of the Exchequer, or the Attorney General for the time being, he shall forfeit and lose 100*l.* for every such Concealment, or not disclosing such Offence as aforesaid.

The Customer of *Hull* shall have a Deputy or Servant continually residing at the City of *York*; and every other Customer, Comptroller and Searcher of every Port, shall appoint in every of the Places above mentioned, and in all and every Port, Creek or Road where a Servant or any of them have been continually residing by the Space of ten Years, or hereafter shall be so, one able and sufficient Deputy or Servant at the least; and all and every of the Customers, Comptrollers and Searchers, and their Deputies and Servants, shall from time to time make diligent Attendance, at the Hours, Times and Places before appointed by this Act, as well in the Custom-House as elsewhere, as it shall be most convenient for the speedy Dispatch of the Merchant, and his Goods and Merchandize, and for the due Execution hereof, in such things as to him or them shall appertain, without concealing or consenting to any thing or things, which may be to the Damage of the Crown, on pain that every such Customer, Comptroller and Searcher, shall forfeit for every Offence by him or them committed,

ted, his or their ſeveral Office or Offices, and 100*l.* one Moiety of all which Forfeitures ſhall be to the Crown, and the other Moiety to them that will ſue for the ſame.

But nothing herein contained ſhall be prejudicial to the Iſle of *Angleſey*, or the Shires of *Caernarvon* and *Flint* in North *Wales*; but the Inhabitants thereof, and every of them, may receive, lade and diſcharge, according to their ancient Uſages, Cuſtoms or Liberties, granted to them or any of their Predeceſſors, by King *Henry* the Eighth, or any of his Progenitors, ſo that they and every of them pay the Cuſtoms and Subſidies which ſhall be due, and diſcharge and load within the Times and Hours before mentioned in this Act. 1 *Eliz.*

No Perſons ſhall bring or cauſe to be brought into this Kingdom, any Girdles, Harneſs for Girdles, Rapiers, Daggers, Knives, Hilts, Pummels, Lockets, Chapes, Dagger-Blades, Handles, Scabbards, and Sheaths for Knives, Saddles, Horſe-Harneſs, Stirrups, Bits, Gloves, Points, Leather Laces, or Pins ready made or wrought in any parts beyond the Seas, to be ſold, bartered or exchanged here, on Forfeiture, or the Value thereof, half to the King, and half to the Informer. And Rams, Lambs or Sheep alive, are prohibited to be carried out of the Realm, or any of the Queen's Dominions, upon pain that every Offender ſhall for the firſt Offence loſe all his Goods, a Moiety to the Queen, and a Moiety to the Informer, and alſo ſuffer one Year's Impriſonment, and at the Year's end have his left Hand cut off, and afterwards offending ſhall be adjudged a Felon, *&c. Stat.* 5 *Eliz. c.* 7. 8 *Eliz. c.* 3.

And

And if any Person shall bring into this Realm any things called by the Name of *Agnus Dei*, or any Crosses, Pictures, Beads, or such superstitious Things from the Bishop of *Rome*, or pretending the same to be hallowed by him, or any Person by him authorized; and if the Person so bringing in such *Agnus Dei* and other like things, shall deliver or cause them to be delivered to any Subject of this Kingdom; then such Person and Persons so doing, and all other Persons who shall receive and take the same, to the Intent to use or wear them, shall incur the Pains, Penalties and Forfeitures ordained by the Statute of *Præmunire*, *viz.* they shall be out of the King's Protection, forfeit their Lands and Goods, and be imprisoned and ransomed at the King's Pleasure, *&c. Stat.* 13 *Eliz. c.* 2. *sect.* 7.

By the Statute 13 *Eliz. c.* 4. *sect.* 2, 10 & 14. concerning Receivers, Accomptants, Collectors and Farmers of Customs, *&c.* and which makes them liable to the Payment of all Arrearages or Debts adjudged or determined upon them, in like and as large manner to all Intents, as if they had, the Day they first became Officers, stood bound by Statute Staple, to her Majesty, her Heirs or Successors, for the answering of the same; it is enacted and ordained, that if any Treasurer, Collector, Customer, Collector of Customs or Subsidies, *&c.* which shall receive or be chargeable with Money or Treasure, and shall upon the determining of his or their Accompt, (all due Petitions to them upon the same Accompts being allowed) be found in Arrears, to owe to the Queen, her Heirs or Successors, any Sum or Sums of Money, and shall not within the Space of six Months next after such Accompt finished,

finiſhed, truly ſatisfy and pay all ſuch Arrears and Sums of Money due, upon Determination of his or their ſaid Account, or their Debt known; then it ſhall be lawful for the Queen, her Heirs and Succeſſors, at any time after the ſaid ſix Months ended, to make Sale by Letters Patent under the Great Seal of *Great Britain*, of ſo much of the Lands, Tenements and Hereditaments of every ſuch Accomptant or Debtor, ſo being found in Arrears or in Debt, as may ſuffice for the Satisfaction of his or their Debt or Arrears, *&c.* and until her Majeſty, her Heirs or Succeſſors, be by ſuch Sale fully ſatisfied and paid off ſuch Arrears and Debt found upon Accompt as aforeſaid.

But it is provided, that this Act ſhall not extend to charge any Treaſurer, Receiver, Cuſtomer, *&c.* having any yearly Receipt, nor any their Lands, Tenements or Hereditaments, whoſe yearly Collection and Charge, or whole Receipt from the Beginning, is not or hath not been above the Sum of 300 *l.* otherwiſe or in any other manner and form than he or they might lawfully have been charged before the making of this Statute: And the Act, as touching only the Sale of any Lands or Tenements, extendeth not to Lands which any Perſons may have purchaſed or obtained *bona fide*, not being privy or conſenting to any Intent to defraud the Crown, *&c.*

It is declared unlawful for any Perſon or Perſons, to lade, ſhip or carry in any Ship or Veſſel, any Leather, Tallow or raw Hides, with Intent to tranſport or carry the ſame into any Places beyond the Seas, other than *Scottiſh* Hides, according to the Proviſo in the Act 5 *Eliz.* upon pain of the Forfeitures following, that is to ſay;

of forfeiting the ſaid Leather, Tallow or raw Hides, ſo laden or tranſported, and treble the Value by the Owners; and alſo the Owner of the Ship or Veſſel knowing thereof, to forfeit his Ship; and the Maſter and Mariners, knowing of ſuch Offence, to forfeit their Goods and Chattels, and ſuffer one Year's Impriſonment; one Moiety of which Forfeitures to be to the Queen, and the other Moiety to him or them that will ſue for the ſame, by Action of Debt or Information, *&c.* And it is further enacted, that every Perſon or Perſons whatſoever, who ſhall ſhip or carry any Leather, Tallow or raw Hides, otherwiſe than by Force of the ſaid Proviſo made in the ſaid fifth Year, into Parts beyond the Seas, ſhall pay a Cuſtom or Subſidy of ten Shillings, for every Hide; for every Dozen of Calves Skins, three Shillings and four Pence; and for every hundred Weight of Tallow, ſix Shillings and eight Pence. *Stat.* 18 *Eliz. c.* 9. *ſect.* 2, 4.

There having been great Frauds and Deceits practiſed by Merchants, Strangers and others in foreign Parts, in the falſe packing of all foreign Hops brought into this Kingdom, by way of Merchandize here to be ſold with Leaves, Stalks, Powder, Sand, Straw, Droſs and other Soil in very many Sacks of Hops, for Increaſe of the Weight thereof, ſelling the ſame together for the full Price; whereby the Subjects of this Realm have been abuſed and deceived to the Value of twenty thouſand Pounds yearly at the leaſt; therefore it is ordained, that no Perſons whatſoever ſhall bring in or cauſe to be brought into the Realm, any Hops being deceitfully or corruptly unclean, corrupt or mix'd with any Powder, Duſt, Droſs, Sand or Soil, on pain of forfeiting the

the ſame; and Perſons that ſhall uſe ſuch unclean and corrupt Hops in the brewing of Ale or Beer to be ſold, ſhall forfeit the Value, &c. *Stat.* 1 *Jac.* 1. *c.* 18. 3 *Car.* 1. *c.* 4.

No Perſon ſhall bring from beyond Sea, nor ſhall print, ſell or buy any popiſh Primers, Ladies Pſalters, Manuals, Roſaries, popiſh Catechiſms, Miſſals, Breviaries, Portals, Legends and Lives of Saints, &c. containing matters of Superſtition, printed or written in any Language, nor any other ſuperſtitious Books printed in the *Britiſh* Tongue, upon Forfeiture of 40*s.* for every ſuch Book, one third part thereof to the King, one other third to him who will ſue for the ſame, and the other third part to the Poor of the Pariſh, where ſuch Book or Books ſhall be found, to be recovered by Action of Debt, &c. in any Court of Record, and the ſaid Books to be burned. *Stat.* 3 *Jac.* 1. *c.* 5. *ſect.* 25. Cuſtomers and Comptrollers of Ports have Power to take Bond, and give Oaths to all Perſons going over Sea to ſerve other Princes, not to enter into Plots and Conſpiracies againſt the King and Realm, &c. and they are to regiſter and certify ſuch Bonds and Oaths in the Exchequer yearly, under certain Penalties, by *Stat.* 3 *Jac.* 1. *c.* 4. *ſect.* 19, 20, 21.

By an ancient Statute, no Stranger, or Alien, by himſelf or any other, ſhall buy any *Engliſh* Horns unwrought, of any Tanners, Butchers or other Perſons, gathered or growing within the City of *London*, or in twenty-four Miles thereof; and no *Engliſhman* or other Perſon, may ſell any ſuch Horns to any Strangers, or cauſe them to be ſent over the Sea, upon pain of forfeiting all the Horns ſo bought, ſold or ſent abroad: And by this Act it is ordained, that no Perſons ſhall

ſell any *Engliſh* Horns unwrought to any Stranger, or ſend any ſuch Horns over Sea, on Forfeiture of double the Value, half to the King, and half to the Informer, recoverable by Action of Debt, Bill, Plaint or Information. *Stat.* 7 *Jac.* 1. *c.* 14.

The Statute 21 *Jac.* 1. *c.* 4. which requires, that Actions and Informations upon Penal Statutes ſhall be commenced and proſecuted in the Counties where the Offences were committed, before the Juſtices of Aſſiſe, *&c.* by a Proviſo therein extendeth not to any Information, Suit or Action for or concerning the concealing or defrauding the King, his Heirs or Succeſſors, of any Cuſtom, Tonnage, Poundage, Subſidy, Impoſt or Priſage, or for tranſporting of Gold, Silver, Ordnance, Powder, Shot, Munition of all ſorts, Wool, or Leather, but that any ſuch Offence may be laid or alledged to be in any County, at the Pleaſure of the Informer.

By the 16 *Car.* 1. *c.* 21. it is enacted, that it ſhall and may be lawful for all Perſons, as well Strangers as natural-born Subjects, to import and bring into this Kingdom any Quantities of Gun-powder whatſoever, paying ſuch Cuſtoms and Duties for the ſame as ſhall be limited and ſet down by Authority of Parliament; and all the King's Subjects may make and ſell any Quantity of Gun-powder, and alſo bring into this Realm any Quantities of Salt-Petre, Brimſtone, or other Materials neceſſary for the making of Gun-powder: And if any Perſon or Perſons ſhall put in execution any Letters Patent, Order, Warrant, *&c.* whereby the Importation of Gun-powder, Salt-Petre, *&c.* from foreign Parts, or the making of Gun-powder here, ſhall be prohibited or reſtrained;

ſtrained; ſuch Perſons ſo offending ſhall incur a *Præmunire.*

In the Caſe of a *Quo Warranto* brought againſt the Mayor, *&c.* of *Waterford*, for receiving the great and ſmall Cuſtoms, and Subſidies and Poundage for Goods imported and exported there, without Warrant, *&c.* they juſtified under a Charter 1 *H.* 5. by which that King granted to them for ever the *Cuſtom Cocket*; and it was adjudg'd, that by that Word the ancient Cuſtoms of Wool, Woolfells, and Hides were granted, becauſe this Cuſtom was known by that Name in all Ports of *England* and *Ireland:* Then they produced a Grant 3 *H.* 7. whereby that King granted that the Citizens, *&c.* ſhould be for ever diſcharged of the new Cuſtoms, called Poundage; but by this Grant they had no Authority to receive the Poundage Duty, becauſe it extends only to diſcharge and not to give it. *Caſe of Cuſtoms*, Davis's Rep.

A Merchant beyond Sea ſhipped 4500 Quintals of Woad for *England*, and a Tempeſt ariſing, the Maſter of the Ship and Mariners threw great part of it into the Sea to ſave their Lives; after this the Ship arrived at *Southampton*, and the Maſter not knowing how much remain'd, but believing there might be 2000 Quintals left, agreed with the Cuſtom-houſe Officer to pay the Duty for ſo much, and for what ſhould be more, when weighed at the King's Beam, and thereupon he had Leave to land the Goods, which he did, and a very conſiderable Quantity more than 2000 Quintals; and that being ſeized as forfeited, by Virtue of the Statute 1 *Ed.* 6. Upon an Information in the Exchequer, all this Matter appearing, it was held that no part of the Goods were forfeited, for the Agreement with the Officer ex-

tended to the whole. *Mich.* 2 *Ed.* 6. Case of *Reneger* and *Fogassa*, *Plowd.* 1.

The Quantity of eighty Weights of Bay Salt, was brought by Sea, to a Haven in *England*, and out of the Ship the Merchant sold twenty Weights, and discharged them to another Ship in which they were transported: But the said twenty Weights were never actually put on the Shore; and for the Residue, *viz.* sixty, he agreed for the Customs, and put them upon Land. In the Exchequer, the Question was upon the Words of the Statute of 1 *Eliz. c.* 11. concerning Exportation, *viz.* sent from the Wharf, Key, or other Place on the Land, and concerning Importation, take up, discharge and lay on Land; if in this case the said twenty Weights which always were Water-born, and never touched the Land, ought to pay Custom as well inwards and outwards: And it was resolved, that in both the Cases Custom ought to be paid; for the discharging out of the Ship upon the Sale aforesaid, amounts in Law to a putting them upon the Land, for by our Law this is *infra Corpus comitatus*; and if the Law should not be so taken, the King may be defrauded of all his Customs: And forasmuch as no Custom was paid for them, it was adjudged that the Goods were forfeited, *&c. Hill.* 24 *Eliz. Case of Custom*, 12 *Co. Rep.* 18. See 20 *R.* 2. *c.* 4.

But in an Information upon a Seizure of Canary Wines, against a Merchant for not paying Custom, it was made a Question, whether Custom was due upon Importation, and in what Proportion it ought to be paid; and adjudged, that it was not due before landing, because Goods may be imported by Stress of Weather, or for want

want of Water or Victuals, and not by way of Merchandize: 'Tis true the Act of Tonnage and Poundage ſeems to make it due by Importation; but the firſt Rule in the *Book of Rates*, which is annexed to that Statute, makes the ſame due at the landing; and this is agreeable to the Common Law; and that 'tis due for no more than is brought on Shore, and it is different from Priſage, for that is due on breaking Bulk: 'Tis likewiſe due, according to the true Eſtimate of the Quantity landed, and not according to the Veſſel in which it is contained. In *Holton* and *Raworth*'s Caſe, *Hardreſs* 358.

In Action of Trover it was held, that if Goods are landed and pay Cuſtom, and are carried over Land or Sea to another Port, they ſhall not pay Cuſtom there: And before any Man ſeizes ſuch Goods, there ought to be great Cauſe of Suſpicion, that the Duty was not paid; for tho' they are condemned in the Exchequer, on an Information, at the Suit of the King, that will not indemnify another for converting them before that time, and probably not at all, becauſe ſuch Informations are and have been frequently contrived by Practice. Caſe of *Bruen* and *Roe*, *Sid.* 264.

Vide *Priſage* and *Butlerage*.

See alſo *Merchants*, and *Navigation* and *Shipping*.

# CHAP. XVII.

## *Of Cuſtoms, Tonnage and Poundage, &c. by modern Statutes.*

BY the 12 *Car.* 2. *c.* 4. The Commons aſſembled in Parliament, repoſing Confidence in his Majeſty, for the guarding and defending of the Seas, againſt all Perſons intending the Diſturbance of their Intercourſe of Trade, *&c.* granted to the King a Subſidy of Tonnage and Poundage, and other Sums of Money payable upon Merchandize exported and imported; that is to ſay, of every Ton of Wine of the Growth of *France*, or any of the Dominions of the *French* King, that ſhall come into the Port of *London*, and the Members thereof, by way of Merchandize, by natural-born Subjects, the Sum of 4*l.* 10*s.* and by Strangers and Aliens 6*l.* And of every Ton of the like Wine, which ſhall be brought into any other Ports of this Kingdom, by natural Subjects, the Sum of 3*l.* and by Aliens 4*l.* 10*s.* And of every Butt or Pipe of *Muſcadels*, *Malmſies*, *Cutes*, *Tents*, *Alicants*, *Baſtards*, *Sacks*, *Canaries*, *Malaga's*, *Madera's*, and other Wines called Sweet Wines, of the Growth of the *Levant*, *Spain*, *Portugal*, or any of the Iſlands of them, that ſhall come or be brought into the Port of *London*, by natural-born Subjects, the Sum of

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*Note*; ſeveral of theſe Poundage Duties are repealed by ſubſequent *Statutes*.

2 *l.* 5 *s.* and by Strangers and Aliens 3 *l* And of every Butt and Pipe of like Wines, coming or brought into other Ports, by natural Subjects, the Sum of 1 *l.* 10 *s.* and by Strangers 2 *l.* 5 *s.* And of every Awm of *Rhenish* Wine, or Wine of the Growth of *Germany*, brought into this Realm, and the Dominions thereof, by natural-born Subjects, 20 *s.* and by Aliens 1 *l.* 5 *s.*

The Subsidy of Poundage is as follows, *viz.* Of all manner of Goods and Merchandize of every Merchant, natural-born Subject, Denizen and Alien, to be carried out of this Realm, or any of the King's Dominions to the same belonging, or to be brought into the same, by way of Merchandize, of the Value of every twenty Shillings, of the said Goods and Merchandize, according to the several Rates and Values, as they are particularly rated in the Book of Rates herein referr'd unto, 12 *d.* And of every 20 *s.* Value of any of the native Commodities of this Kingdom, or Manufactures wrought of any of them, to be carried out by Aliens, 12 *d.* more; excepting Woollen Cloths made in *England*, commonly called Old Draperies, and all manner of Fish taken and brought in by *English* Bottoms, and all fresh Fish and Bestial, that shall come into this Realm, and all other Goods and Merchandizes mentioned in the Book of Rates to be Custom-free.

And for every short Woollen Cloth called Broad Cloth, not exceeding twenty-eight Yards in Length, and sixty-four Pounds in Weight, and of every other short Cloth of old Drapery of less Length and Weight, accounting so many Pieces to a short Cloth as are limited and appointed by the said Book of Rates, to be exported

ported by natural-born Subjects, 3*s.* 4*d.* and by Aliens 6*s.* 8*d.* and so proportionably after that Rate: Which Subsidies and Duties aforesaid, and Rates expressed in the Book of Rates, are granted to his Majesty during * his Life.

And if any Wines, Goods or other Merchandizes, whereof the Subsidies aforesaid shall be due, shall be shipped or put into any Boat or Vessel, to be carried beyond the Seas, or be brought from parts beyond Sea into any Port, Place or Creek of this Realm, by way of Merchandize, and unshipped to be laid on Land, the Customs and other Duties aforesaid not being paid, or lawfully tendered to the Collector thereof, or his Deputy, with the Consent and Agreement of the Comptroller or Surveyor there, nor agreed for in the Custom-house; then all the same Wines, Goods and Merchandizes whatsoever, shall be forfeited, one half to the King, and the other to him or them that will seize or sue for the same. But all Merchants, as well Denizens as Strangers, coming into this Kingdom, are to be well and honestly entreated, for such Things as Subsidy is granted, without Oppression to them to be done, paying the Subsidies aforesaid.

And if the Goods or Merchandize of any Merchant being a Denizen, shall be taken by Enemies or Pirates at Sea, or perish in any Ship or Ships, whereof the Subsidies and other Duties shall be duly paid or agreed for as aforesaid, and that proved before the Treasurer of *England*, Commissioners of the Treasury, or chief Baron

* Continued for ever by 6 *Geo.* 1. *c.* 4. but subject to Redemption.

of

of the *Exchequer*, by the Examination of the ſame Merchant, or of his Executors and Adminiſtrators, or by two credible Witneſſes at leaſt ſworn, or other reaſonable Witneſs and Proof; in ſuch caſe the ſaid Merchant or Merchants, his or their Executors, *&c.* may newly ſhip in the ſame Port where the Goods and Merchandizes were cuſtomed, ſo much other Merchandize or Goods, as the Goods loſt ſhall amount to in Cuſtom, without paying any thing for the ſame; ſo as the Proof be recorded and allowed in the Exchequer, and certified to the Collectors of the Cuſtoms.

Provided, that it ſhall and may be lawful for all and every *Engliſh* Subjects, at their Will and Pleaſure, to convey and tranſport out of this Realm, in Ships and other Veſſels of any of the Subjects of this Kingdom, all and every kind of Herrings, and other Sea-fiſh, to be taken on the Sea by any the Subjects aforeſaid, from or out of any Port or Harbour of this Realm, to any Place out of the King's Dominions, without paying any Cuſtom, Subſidy or Poundage Money for ſuch Herrings, or other Fiſh ſo carried or tranſported abroad.

And becauſe no Rates can be impoſed upon Merchandize, imported or exported by Subjects or Aliens, but by common Conſent in Parliament, the Rates intended by this Act, ſhall be the Rates mentioned in the *Book of Rates*; that is to ſay, the Subſidy of Tonnage, and of Poundage, and the Subſidy of Woollen Cloths or old Draperies, as they are rated and agreed on by the Commons Houſe of Parliament, ſet down and expreſſed in this Book, to be paid according to the Tenor of the Act of Tonnage and Poundage,

dage, and ſubſcribed with the Hand of the Speaker of the Houſe of Commons; and which ſaid Book of Rates compoſed by the Commons, and every Article, Clauſe and Rule therein, ſhall be as effectual to all Intents, as if the ſame were included in the Body of this Act. And the Cuſtomers, Collectors, and all other Officers in the ſeveral Ports, ſhall take and receive ſuch Fees, and no other, as were taken in the fourth Year of K. *James* I. where the Goods exported or imported amount to 5*l.* Value or more; until ſuch time as the ſaid Fees ſhall be otherwiſe ſettled by Authority of Parliament.

And it is declared lawful for any Perſon or Perſons to tranſport, ſhip and carry out of this Kingdom, by way of Merchandize, any of theſe Commodities, Goods and Merchandizes, *viz.* Iron Armour, Bandoliers, Bridle-bits, Halbert-heads, and Sharps, Holſters, Muſkets, Carbines, Fowling-pieces, Piſtols, Pike-heads, Sword or Rapier-blades, Saddles, Snaffles, Stirrups, Calve-Skins dreſſed or undreſſed, Geldings, Oxen, Sheep-Skins dreſſed without the Wool, and all Manufactures of Leather, paying the reſpective Rates appointed by this Act, and no other: And likewiſe Gun-powder, when the ſame doth not exceed the Price of 5*l.* the Barrel; and Wheat, Rye, Peaſe, Beans, Barley, Malt and Oats, Beef, Pork, Bacon, Butter, Cheeſe and Candles, when they do not exceed at the time of their lading the Prices following; that is to ſay, Wheat the Quarter 40*s.* Rye, Beans and Peaſe the Quarter, 24*s.* Barley and Malt the Quarter, 20*s.* Oats the Quarter, 16*s.* Beef the Barrel, 5*l.* Pork the Barrel, 6*l.* 10*s.* Bacon the Pound, 6*d.* Butter the Barrel, 4*l.* 10*s.* Cheeſe the Hundred, 1*l.* 10*s.*

and

and Candles the dozen Pounds, 5*s.* on paying the * Rates appointed: But his Majeſty at any time when he ſhall ſee cauſe ſo to do, may by Proclamation prohibit the tranſporting of Gunpowder, or any ſort of Arms or Ammunition into any Parts beyond the Seas.

And over and above the Rates before mentioned, there ſhall be paid for every Ton of Wine of the Growth of *France*, *Germany*, *Portugal* or *Madera*, brought into the Port of *London* or elſewhere, the Sum of 3*l.* and for every Ton of all other Wines, 4*l.* within nine Months after the importing thereof; for the Payment of which Duties accordingly, the Importer ſhall give good Security: And if any of the ſaid Wines, for which this additional Duty is paid or ſecured, be exported within twelve Months after their Importation, the ſaid additional Duty ſhall be returned, or the Security diſcharged for ſo much as ſhall be ſo exported. And if at the Importation the Importer ſhall pay for the ſame ready Money, he ſhall be allowed for it after the Rate of 10*l. per Cent.* for a Year.

And it is further ordain'd, that all manner of Wines whatſoever to be imported into the Port of *London*, or elſewhere, ſhall be freed and diſcharged of and from the Impoſition of Exciſe: And Priſage of Wines, or Prize-Wines, ſhall not pay Cuſtom, or be charged with any Payment by this Act.

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* Corn, Beef, Pork, Bacon, Butter, Cheeſe, Candles, &c. to be exported free, by 3 & 4 *W.* & *M. c.* 8. and 11 & 12 *W.* 3. *c.* 20.

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To the *Book of Rates* referr'd to in the Act of Tonnage and Poundage 12 *Car.* 2. *c.* 4. and made in Pursuance thereof, are annexed certain *Rules, Orders, Directions* and *Allowances* for the Advancement of Trade, and Encouragement of Merchants, *&c.* extending to ancient Customs, as well as the Subsidies and Duties granted by that Statute, in divers Articles following.

I. Every Merchant shall have free Liberty to break Bulk in any Port allowed by Law, and to pay Custom for no more Goods than he shall enter and land; provided the Master or Purser of every such Ship, shall first make Declaration upon Oath, before two principal Officers of the Port, of the true Content of his Ship's Lading, and shall likewise after declare on his Oath, before the Customer, Collector, Comptroller, or Surveyor, or two of them, at the next Port of this Kingdom, where his Ship shall arrive, the Quantity and Quality of the Goods landed at the other Port, where Bulk was first broken, and to whom they did belong.

II. All foreign Goods and Merchandize (except Wines, Currans, and wrought Silks) first imported, shall be again exported by *British* Merchants within * twelve Months, or Strangers in nine Months: And such Merchant or Merchants as shall export any such foreign Goods, (except as before excepted) shall have Allowance, and be repaid by the Officer that received the same, one Moiety of the Subsidy which was paid at the first Importation of such Goods and Merchandizes, or any part thereof; so as due Proof be made by

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* Extended to three Years, by *Stat.* 7 *Geo.* 1. *c.* 21.

Certificate

Certificate from the Officers, of the due Entry and Payment of the Cuſtom and Subſidy of all ſuch foreign Goods and Merchandizes inwards, together with the Oath of the Merchants importing and exporting the ſame, affirming the Truth thereof, and the Name of his Majeſty's Searcher or Under-Searcher in the Port of *London*, and of the Searcher of any other the Out-Ports, teſtifying the Shipping thereof to be exported. After all which duly performed in manner before expreſſed, the Moiety of the Subſidy firſt paid inwards, ſhall without any Delay or Reward, be repaid to ſuch Merchant or Merchants, who do export ſuch Goods and Merchandizes, within one Month after Demand thereof: As alſo the whole additional Duty of Silks, Linen and Tobacco, in manner as before is directed.

III. And if there be any Agreement made by any Commiſſioners or Farmers of the Cuſtoms and Subſidies, or any other Power (except by Conſent of Parliament) with any Merchants Strangers, or their Factors, for any foreign Goods or Merchandize to be brought into the Port of *London*, or any other Port or Haven of this Kingdom of *Great Britain*, and to be exported again by way of Compoſition; all other Merchants being his Majeſty's Subjects, ſhall be admitted into the ſame Compoſition, and not be excluded from any other Privilege whatſoever, granted to the Stranger by any private Agreement or Compoſition, under the ſame Conditions, and with the ſame Reſtriction as ſhall be made with the Merchant Stranger.

IV. Every Merchant, as well *Britiſh* as Stranger, that ſhall ſhip and export any kind of Wines, which formerly have paid all the Duties of Tonnage

nage inwards, ſhall have repaid, or allowed unto them all the Duties of Tonnage paid inwards; except to the *Britiſh* Man twenty Shillings the Ton, and except to the Stranger five and twenty Shillings the Ton, upon due Proof of the due Entry and Payment of the Tonnage inwards, and of the Shipping thereof to be exported, to be made in manner as in the ſecond Article is mentioned and expreſſed.

V. If any Merchant, Denizen or Stranger, ſhall export any *Spaniſh* or foreign Wools, he ſhall have Liberty ſo to do, with this further Condition, that ſuch *Spaniſh* or other foreign Wools whatſoever be not exported in any other Ship or Veſſel, with Intent to be carried beyond the Seas out of the Kingdom of *Great Britain*, than only in *Britiſh* Shipping, upon pain of Confiſcation.

VI. Every Merchant, as well *Britiſh* as Stranger, which ſhall ſhip and export any Currans, that formerly were duly enter'd, and paid the Subſidy and Cuſtom inwards, ſhall have allow'd or repaid unto them reſpectively, all the Cuſtom and Subſidy paid inwards for the ſame; (except eighteen Pence for every hundred Weight to the *Britiſh* Man, and two and twenty Pence Halfpenny for every hundred Weight to the Stranger) on due Proof of the due Entry and Payment of the Cuſtom and Subſidy thereof inwards, and of the ſhipping thereof to be exported, to be made as in the ſecond Article is declared.

VII. If any Merchant having duly paid all Duties inwards for foreign Goods, and in regard of bad Sales ſhall be enforced to keep the ſame or any part thereof in his Hands, after the Space of a Year ſhall be elapſed, in this caſe he, or any other

other Perſon, is to be permitted to ſhip the ſame out for parts beyond the Seas, (if they think fit) without Payment of any Subſidy for the ſame outwards, upon due Proof that the ſame was duly entered, and Subſidy paid inwards.

VIII. IX. X. Every Merchant bringing in any ſort of Wines into this Kingdom, by way of Merchandize, and who ſhall make due Entries of the ſame in the Cuſtom-Houſe, ſhall be allowed 12 *per Cent.* for Leakage. Every Hogſhead of Wine which ſhall be run out, and not full ſeven Inches, or above left therein; and every Butt or Pipe not above nine Inches, ſhall be accounted for Outs, and the Merchant to pay no Subſidy for the ſame. And if any Wines ſhall prove * corrupt and unmerchantable, and fit for nothing but to diſtill into Hot-Waters, or to make Vinegar, then every Owner of ſuch Wines ſhall be abated in the Subſidy, according to ſuch his Damages in thoſe Wines, by the Diſcretion of the Collectors of the Cuſtoms, and one of the principal Officers.

XI. If any † Tobacco, or other Goods, or Merchandize brought into this Kingdom, ſhall receive any Damage by Salt Water, or otherwiſe, ſo that the Owner thereof ſhall be prejudiced in the Sale of ſuch Goods, the principal Officers of the Cuſtom-Houſe, or any two of them, whereof the Collector to be one, ſhall have Power to chuſe two indifferent Merchants, experienced in the Values of ſuch Goods; who upon viewing

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* This Rule is repealed by 6 *Geo.* 1. *c.* 12.

† Repealed as to Tobacco, *Stat.* 12 *Ann. c.* 8. and 9 *Geo.* 1. *c.* 21.

the ſaid Goods, ſhall certify and declare on their corporal Oaths, firſt adminiſtred by the ſaid Officers, what Damage the Goods have received, and are leſſened in their true Value, and according to ſuch Damage in relation to the Rates ſet on them in this Book, the ſaid Officers are to make a proportionable Abatement unto the Merchant or Owner of the Subſidy due for the ſame.

XII. The Merchant Strangers, who according to the Rates and Values in this Book of Rates contained do pay double Subſidy for Lead, Tin, and Woollen Cloths, ſhall alſo pay double Cuſtom for * native Manufactures of Wool, or part Wool, and the ſaid Strangers are to pay for all other Goods, as well inwards as outwards, rated to pay the Subſidy of Poundage, three Pence in the Pound, or any other Duty payable by *Charta Mercatoria*, beſides the Subſidy.

XIII. That the Merchants trading in the Port of *London*, have free Liberty to lade and unlade their Goods at any the lawful Keys and Places of ſhipping and landing of Goods, between the Tower of *London* and *London-Bridge*, and between Sun-riſing and Sun-ſetting, from the tenth Day of *September* to the tenth Day of *March*; and between the Hours of ſix o'Clock in the Morning, and ſix o'Clock in the Evening, from the tenth Day of *March* to the tenth Day of *September*, giving Notice thereof to the reſpective Officers appointed to attend the Lading and Unlading of Goods: And ſuch Officer as ſhall refuſe, upon due calling, to be preſent, ſhall

* Repealed as to Goods exported by Merchant Strangers, by 25 *Car.* 2. *c.* 6.

forfeit for every Default 5 *l.* one Moiety to the King, and the other Moiety to the Party grieved ſuing for the ſame.

XIV. XV. XVI. XVII. The Merchants of *York*, *Kingſton* upon *Hull*, and *Newcaſtle* upon *Tyne*, and the Members thereof, ſhall be allowed free of Cuſtom and Subſidy, * two of the northern Cloths and Kerſies in ten, to be ſhipped in thoſe Ports in the Names of double Wrappers, as formerly hath been there allowed them. The Merchants of *Exeter*, and other parts, ſhall be allowed free of Subſidy, one *Perpetuana* in ten, for a Wrapper, and three *Devon* Dozens in twenty, for Wrappers; the ſame to be ſhipped out of the Ports of *Exeter*, *Plymouth*, *Dartmouth*, *Barnſtable*, *Lime-Regis*, or the Members thereof. And all Merchants tranſporting any ſorts of Woollen, whether new or old Drapery, as alſo Bays and Cottons, ſhall be allowed one in ten for a Wrapper, free of Cuſtom and Subſidy. Every Merchant ſhall be allowed upon all other Goods and Merchandizes, appointed to pay to any Subſidy of Poundage, according to the Rule of this Book, to be imported, five in the hundred of all the Subſidies of Poundage ſo appointed to be paid.

XVIII. The Officers who ſit above in the Cuſtom-Houſe of the Port of *London*, ſhall attend the Service of their ſeveral Places, from nine to twelve o'Clock in the Forenoon; and one Officer, or able Clerk ſhall attend with the Book in the Afternoon, during ſuch time as the

* All woollen Manufactures are free, by 11 & 12 *W.* 3. c. 20.

Officers are appointed to wait at the Water-side, for the better deciding of all Controversies that may happen concerning Merchants Warrants. All other the Officers of the Out-Ports shall attend every Day in the Custom-House of every respective Port, for the Dispatch of Merchants and Shippers, between the Hours of nine o'Clock and twelve in the Morning, and two and four o'Clock in the Afternoon.

XIX. Every Merchant making an Entry of Goods, either inwards or outwards, shall be dispatched in such order as he cometh; and if any Officer or his Clerk shall either for Favour or Reward, put any Merchant, or his Servant duly attending, by of his Turn, or otherwise delay any Person so attending, and making his Entries aforesaid, to draw any other Reward or Gratuity from him than is limited in the Act for Tonnage and Poundage, and this Book; if the Master-Officer be found faulty herein, he shall upon Complaint to the chief Officers of the Custom-House, be strictly admonish'd of his Duty; but if the Clerk is found faulty therein, he shall on Complaint to the said chief Officers be presently discharged of his Service, and not permitted to sit any more in the Custom-House.

XX. The Lord Mayor, Commonalty, and Citizens of *London*, their Officers or Deputies, for and touching the Offices of Package, Scavage, Bailage or Portage of any Goods or Merchandize of Aliens, or their Sons born within this Kingdom, or of Unfreemen, imported or exported into, or out of the City of *London*, or the Liberties or Ports thereof, unto or from the Parts beyond the Seas, for or concerning the receiving and taking of any Fees or Rates hereto-

fore

fore uſually taken, in reſpect of the ſaid Offices, or any of them, they may receive and take the ſame; any thing in the Act for Tonnage and Poundage, or this Book, or any former Act, to the contrary notwithſtanding.

XXI. All ancient Duties heretofore lawfully taken by any City, or Town Corporate, their Farmers, Deputies or Officers, under the Name of Town Cuſtom, or the like, for the Maintenance of Bridges, Keys, Harbours, Wharfs, *&c.* ſhall and may be received and enjoyed as formerly; any thing in the ſaid Act, or any other Act or Book, to the contrary notwithſtanding.

XXII. The Under-Searcher, or other Officers of *Graveſend*, having Power to viſit and ſearch any Ship outward-bound, ſhall not without juſt and reaſonable Cauſe detain any ſuch Ship, under Colour of ſearching the Goods therein laden, above three Tides after her Arrival at *Graveſend*, on pain of Loſs of their Office, and rendring Damage to the Merchant and Owner of the Ship. And the Searcher, or other Officer of the Cuſtom-Houſe in any of the Out-Ports, having Power to ſearch and viſit any Ship outward-bound, ſhall not without juſt Cauſe detain ſuch Ship under colour of ſearching the Goods laden therein, above one Tide after the ſaid Ship is fully laden and ready to ſet ſail, under pain of Loſs of the Office of ſuch Offender, and rendring Damage to the Merchant and Owner of the Ship.

XXIII. That all Timber in Balks, which ſhall be of eight Inches ſquare, or upwards, that ſhall be imported, or brought from any Part beyond the Sea into the Realm of *Great Britain*, ſhall be rated according to the Meaſure of Timber the Foot ſquare, three Pence for the Value thereof,

and according to that Rule ſhall pay for Subſidy twelve Pence in the Pound according to Poundage; and all under eight Inches ſquare, and above five Inches, ſhall pay Subſidy according to the Rates mentioned in this Book of Rates for middle Balks, and all of five Inches ſquare, or under, ſhall pay according to the Rate of ſmall Balks.

XXIV. For avoiding of all Oppreſſion by any of the Officers of the Cuſtoms, in any Port of this Kingdom, in exacting unreaſonable Fees from the Merchant, by reaſon of any Entries or otherwiſe, touching the ſhipping or unſhipping of any Goods, Wares and Merchandize: It is ordered, that no Officer, Clerk, or other Perſon, belonging to any Cuſtom-Houſe whatſoever, ſhall exact, require or receive any other, or greater Fee, of any Merchants or others, than ſuch as are, or ſhall be eſtabliſhed by the Commons in Parliament: And if any Officer, or other ſhall offend contrary to this Order, he ſhall forfeit his Office and Place, and be for ever after uncapable of any Office in the Cuſtom-Houſe.

XXV. All Fees appointed to be paid unto the Cuſtomer, Comptroller, Surveyor or Surveyor General, in the Port of *London*, for any Cocket or Certificate outwards, ſhall be paid all together in one Sum to that Officer from whom the Merchant is to have his Cocket or Certificate above in the Cuſtom-Houſe; and after the Merchant hath duly paid his Cuſtom and Subſidy, and other Duties above, in the Cuſtom-Houſe, as is appointed by this Book of Rates, he is to be Maſter of, and keep his own Cocket or Certificate, until he ſhall ſhip out his Goods ſo entered, when he is to deliver the ſame to the Head-Searcher, or his Majeſty's Under-Searcher in the Port

Port of *London*, or other Ports, together with the Mark and Number of his Goods.

XXVI. The Officers of the Cuſtom-Houſe for the time being, ſhall allow and make good unto all Perſons, all ſuch Monies as are or ſhall be due to them for the Half Subſidy; and alſo the *Algier* Duty of foreign Goods formerly exported, now due and unpaid.

XXVII. The Duties and Sums of Money appointed to be paid by the Act of Subſidy of Tonnage and Poundage, and by the Book of Rates therein mentioned, and no other, ſhall be paid to his Majeſty's Officers during the Continuance of the ſaid Act, upon Goods imported or exported; any Law, Statute or Uſage to the contrary notwithſtanding. Nevertheleſs it is declared, that the Priſage of Wines, the Duty called Butlerage, and the Duty of 12*d.* upon every Chalder of Sea-Coal exported from *Newcaſtle* upon *Tyne*, to any other Port or Ports of this Realm, ſhall be continued.

Theſe Rules and Orders are ſubſcribed with the Hand of Sir *Harbottle Grimſtone*, Speaker of the Houſe of Commons, as required by the Act of Tonnage and Poundage, and ratified and confirmed by a ſubſequent Statute: And by Virtue of a further *Order* made by the Commons in Parliament aſſembled, the ſeveral and reſpective *Fees* of the Officers and others employed in and about his Majeſty's Cuſtoms in the Port of *London*, are ſet down and expreſſed in a Schedule or Table thereof, ſigned by Sir *Edward Turner* Knight, then Speaker of the Houſe of Commons; Copies and Tranſcripts of which are ordered to be made and ſet up in publick

View, in the Cuſtom-Houſe in *London*, and other Places where the ſaid Fees are to be paid or received.

And in caſe any Merchant, Maſter of a Ship, or other Perſon or Perſons whatſoever, ſhall refuſe to pay all or any of the Fees hereby ordered, then it ſhall and may be lawful for all and every Officer and Officers to make Stay of any Bill of Entry, Cocket or other Warrant that ſhall be tendered or given in for paſſing of any Ships, Goods or Merchandizes whatſoever, exceeding the Value of 5*l.* in the Book of Rates, for which the Fees ſhall be detained and denied to be paid.

By Statute 12 *Car.* 2. *c.* 19. If any Perſon or Perſons ſhall cauſe any Goods, for which Cuſtom, Subſidy, or other Duties are due and payable by Virtue of the foregoing Act, to be landed or conveyed away without due Entry thereof firſt made, and the Cuſtomer or Collector, or his Deputy agreed with; upon Oath thereof before the Lord Treaſurer or any of the Barons of the Exchequer, or chief Magiſtrate of the Port or Place where the Offence ſhall be committed, or Place next adjoining thereunto, it ſhall be lawful for the Lord Treaſurer, or any of the Barons aforeſaid, or ſuch chief Magiſtrate of the Port, *&c.* to iſſue a Warrant to any Perſon or Perſons, with the Aſſiſtance of a Sheriff, Juſtice of Peace or Conſtable, to enter into any Houſe in the day-time where ſuch Goods are ſuſpected to be concealed; and in caſe of Reſiſtance, to break open ſuch Houſes, and to ſeize and ſecure the ſame Goods; and all Officers and Miniſters of Juſtice are required to be aſſiſting therein.

But no Houſe ſhall be entred by Virtue of this Act, unleſs it be within one Month after the Offence ſuppoſed to be done: And if the Information whereupon any Houſe ſhall come to be ſearched, ſhall prove to be falſe, the Party injured thereby ſhall recover his full Damages and Coſts againſt the Informer, in an Action of Treſpaſs therefore to be brought againſt ſuch Informer.

The Statute 12 *Car.* 2. *c.* 32. ordains, that no Perſons ſhall export, or load upon any Carriage, or lay on board any Ship or other Veſſel, to be exported out of *England*, *Wales*, Town of *Berwick*, *Jerſey*, *Guernſey*, *Sark* and *Alderney*, or *Ireland*, into any Places out of the Kingdoms of *England* and *Ireland* or the Iſles and Dominions aforeſaid, to any foreign Parts, any Sheep or Wool, of the Breed and Growth of the ſaid Places, Wool-fells, Mortlings, or Shorlings, Yarn made of Wool, Wool-flocks, Fullers Earth, or Fulling Clay, on pain to * forfeit the ſame, and 20*s.* for every Sheep, and 3*s.* for every Pound Weight of the other Goods: And the Owners of ſuch Ships, knowing of ſuch Offence, ſhall forfeit all their Intereſt in the ſaid Ships; and the Maſters and Mariners aſſiſting thereto, all their Goods, and ſuffer Impriſonment for three Months. The one Moiety of the Forfeitures to go to the King, and the other to the Informer ſuing in any of his Majeſty's Courts

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* Exporting Wool, *&c.* was made Felony by 13 & 14 *Car.* 2. *c.* 18. But that is repealed by 7 & 8 *W.* 3. *c.* 28.

of

of Record, or before the Juſtices of Aſſize, or in the General Quarter-Seſſions of the Peace.

Offences againſt this Act may be determined in the County where committed, or where ſuch Offenders are apprehended; but they may not be impeached, except within a Year after the Offence. And they that tranſport any of the Goods aforeſaid, being convicted thereof, ſhall be diſabled to require any Debt or Account concerning any Eſtate to them belonging: Alſo all Veſſels whereof any Alien or natural born Subject, not inhabiting in *England*, ſhall be Owner or Part-Owner, wherein any of the ſaid Goods ſhall be ſhipped contrary to this Act, ſhall be forfeited to the King. But Lamb Skins ready dreſſed are excepted; and Neceſſaries for the Ships and Perſons therein.

And Wool may be tranſported from the Port of *Southampton* only, to the Iſles of *Jerſey*, *Guernſey*, *Sark* or *Alderney*, for the Uſe of the Inhabitants there; and they that ſhip ſuch Wool ſhall before-hand deliver to the Cuſtomer, Comptroller, Surveyor, or Searcher of the ſaid Port, a Writing under the Seal of the reſpective Governors of the ſaid Iſles, purporting that the Party is authorized to export ſo many Tods, and hath entered into ſufficient Bond to his Majeſty's Uſe for landing them in the Iſle intended: The Wool ſo to be exported, not to exceed certain Quantities.

And the Cuſtomer of the Port of *Southampton* ſhall keep an Account of the Wool ſo permitted to be loaden, on pain to forfeit 100*l.* and to loſe his Place; and if any of the Governors aforeſaid make any Licence to export more,

more, they ſhall forfeit 20*l.* for every Tod ſo licenſed.

By the 13 & 14 *Car.* 2. *c.* 7. No Perſon or Perſons whatſoever, ſhall carry or tranſport out of *England* into *Ireland*, or any of the Iſles belonging to this Kingdom, or to any Parts beyond the Seas, the Skins or Hides, tanned or untanned, of any Ox, Steer, Bull, Cow or Calf, otherwiſe than as is by this Act directed: And if any Perſons ſhall be found guilty of tranſporting any Leather, or raw Hides of any of the Beaſts aforeſaid (excepting ſuch Calves-Skins and Sheep-Skins, dreſſed without the Wool, as by Law may be tranſported) he ſhall be diſabled to trade or deal in Leather, and for every ſuch Offence ſhall forfeit 500*l.* to be recovered by Action of Debt, Bill, Plaint or Information, &c. one half to the King, and the other half to the Informer. * But this Statute ſhall not extend to prohibit the Tranſportation of any Leather made into Boots, Shoes or Slippers, but that the ſame may be tranſported.

The Act 13 & 14 *Car.* 2. *cap.* 11. for preventing Frauds, and regulating Abuſes in the Cuſtoms, enacted, that no Veſſel arriving from beyond Sea, ſhall be above three Days coming from *Graveſend* to the Place of her Diſcharge in the *Thames*, without touching at any Place, (except by Reaſon of ſome juſt Impediment allowed by the principal Officers of the Cuſtoms) and then or before, the Maſter and Purſer ſhall make true Entry upon Oath of the Lading, with the

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* Liberty is given to export any Leather and Skins tanned or dreſſed, by 20 *Car.* 2. *c.* 5. See 9 *Ann. c.* 6.

Marks,

Marks, Qualities, &c. of every Parcel of Goods, and where she took in her Lading, of what Country built, how manned, who was Master and Owners; and in Out-Ports shall come directly to the Place of unlading, and make Entries, &c. on the Penalty of 100 *l.*

No Persons taking Charge of any Ship or Vessel outward bound, shall take in any *English* Goods, 'till they have entred such Vessel in the Book of the Commissioners, Customer and Comptroller outwards of the Port where they shall load or take in the Goods, with the Name of the Captain or Master, Burthen, Cocket, Certificate, or other Custom-House Warrant, upon pain of 100 *l.* and the Cocket, &c. to be void: And if any Goods for which Customs are payable, shall be secretly conveyed on board any Vessel, and escape Discovery by the Officers, and be carried beyond Sea, the Owners of them, or others that shipped such Goods, shall forfeit double the Value thereof; except for Coals, which being so secretly exported, shall pay double the Duty, to be levied as by the Act of Tonnage and Poundage is directed.

Merchants and others, passing Goods inwards or outwards, shall by themselves or their Agents, subscribe one Bill of every Entry, with the Mark, Number, and Contents or Weight of the said Goods, without which no Entry shall pass: And no Children of Aliens, under the Age of twenty-one Years, shall be Traders, nor shall Goods be entered in their Names. Merchants having Allowances inwards, shall upon Oath receive the Money due on Debentures for foreign Goods exported, by such Certificate, and with the Abatements and Allowances as were made them upon the

the Importation: And if they ſhip out leſs than is expreſſed in their Certificate, the Goods therein mentioned, or their Value ſhall be forfeited, and the Owner receive back no part of the Subſidy for them; and Goods ſo ſhipped out and landed again within the Realm, unleſs to ſave them from periſhing, are liable to Forfeiture, and no Allowance to be made for ſuch Goods.

The Officers of the Cuſtoms, and their Deputies may enter and ſearch Ships and Veſſels both outward and inward bound, and bring from thence to the King's Store-Houſe all Goods prohibited or uncuſtomed, or for which the Duties were not paid or compounded within twenty Days after the Entry of any Ship; and if any Goods are found on board any Ship or Veſſel after the clearing of the ſame, which have been concealed, the Maſter, Purſer, or other Perſon having the Charge of ſuch Ship, ſhall forfeit 100*l.* No Ship or Goods ſhall be ſeized as forfeited for unlawful Importation or Exportation, or Non-payment of any Cuſtoms or Subſidies, but by the Officers of the Cuſtoms; or by Warrant from the Lord Treaſurer, or Under-Treaſurer, or by Special Commiſſion under the Great Seal or Privy Seal, and Seizures by others ſhall be void. And no Informer or Officer ſhall compound under one third of the appraiſed Value, on Loſs of his Office.

If any Perſon employed about the Cuſtoms, ſhall take any Bribe, or connive at any falſe Entry, they ſhall forfeit 100*l.* and be incapable of any Office or Employment under the King; and the Perſon giving ſuch Bribe ſhall forfeit 50*l.* All Officers of the Cuſtoms ſhall take an Oath,

for

for the true and faithful Execution of their Truſts and Employments. And in caſe any Perſon employed in the Cuſtoms demand or take greater Sums than are due by Law, or put any Merchant or other out of his Turn, without Order before or Approbation after, from the Perſons appointed to manage the Cuſtoms, or the ſuperior Officers for the ſame, or ſhall illegally detain the Goods of any, or neglect to make Repayments or Allowances, or after Notice do not give out or execute his Warrant, he ſhall be liable to double Coſts and Damages.

By this Statute, Vinegar, Perry, Rape, Cyder, and Cyder-eager, ſhall pay 4*l.* 10*s.* *per* Ton, imported by *Engliſh*, and 6*l.* if imported by Strangers, to be levied as by the Act of Tonnage and Poundage; and when there is an Exportation of them, there ſhall be allowed to the *Engliſh* Exporter 3*l.* 10*s.* and to the Alien 4*l.* 15*s.* *per* Ton: And Logwood may be imported to be uſed in Dying, paying 5*l.* for every Ton; and 4*l.* *per* Ton ſhall be paid to the Exporter. No Wines, other than *Rheniſh*, or Spicery, Grocery, Tobacco, Pot-Aſhes, Pitch, Tar, Salt, Roſin, Deal-boards, Fir Timber, or Olive Oil, ſhall be imported from the *Netherlands* or *Germany*, upon pain to loſe the ſaid Goods, and the Ship and Furniture.

Ships of War are ſubject to all Searchers, *&c.* by Officers of the Cuſtoms, for prohibited or uncuſtomed Goods, as Merchant Men are liable to; and under the ſame Rules, except in caſe of entering and victualling Bills: And no Veſſel or Packet-Boat, employed ordinarily for the Carriage of Letters and Packets (unleſs in caſes as ſhall be allowed by the Officers of the Cuſtoms)

Cuſtoms) ſhall import or export any Goods or Merchandize, under the Penalty of 100*l.* to be paid by the Maſter, who ſhall alſo forfeit his Place, and all the Goods found on board ſuch Veſſel or Boat, ſhall be forfeited and loſt.

By 13 & 14 *Car.* 2. *c.* 13. None ſhall ſell or offer to Sale, export or import, any foreign * Bone-Lace, Cut-Work, Imbroidery, Fringe, Band-ſtrings, Buttons, or Needle-Work of Thread or Silk, on pain to forfeit for ſelling, or offering to Sale as aforeſaid 50*l.* and the Goods; and 100*l.* for importing, and alſo the Goods imported, one Moiety to the King, the other to him that will ſue for the ſame. And foreign Wool-Cards, Card-Wire, or Iron-Wire for Wool-Cards, ſhall not be imported, *&c.* on pain of Forfeiture, or the Value. *Stat.* 13 & 14 *Car.* 2. *c.* 19.

The Statutes 18 *Car.* 2. *c.* 2. and 20 *Car.* 2. *c.* 7. are againſt the Importation of foreign Cattle dead or alive, which is declared to be a common Nuſance: And if any great Cattle, Sheep, or Swine, or any Beef, Pork, or Bacon ſhall be imported or brought from beyond Sea, (except for the neceſſary Proviſion of the Veſſels wherein brought) they may be ſeized by Conſtables, *&c.* as forfeited, one half to the Uſe of the Poor of the Pariſh where ſeized, and the other half to him that ſhall ſeize; alſo the Veſſel in which ſuch Cattle, *&c.* ſhall be imported, and out of which

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* Repealed as to foreign Lace made of Thread in the *Spaniſh* Low Countries, or elſewhere, (not within the Dominions of the *French*) by 5 *Ann. c.* 17.

any

any of them are put on Shore, ſhall be in like manner forfeited.

By the 18 & 25 *Car.* 2. *c.* 8. There ſhall be paid to the Officers of the Cuſtoms, for every Ton of Wine, Vinegar, Cyder, or Beer imported, beſides other Duties, 10*s.* and for every Ton of Brandy-Wines, or Strong Waters, 20*s.* which Money ſhall be kept apart, and paid quarterly into the Exchequer; there likewiſe to be kept diſtinct, and iſſued from thence by Warrant of the Lord Treaſurer, or Commiſſioners of the Treaſury, for defraying the Charge of the Mint and Coinage: In caſe of Non-payment of the Duty, the ſaid Liquors ſhall be liable to ſuch Penalties as are appointed by the Acts for Tonnage and Poundage, and againſt Frauds; but for what of the ſaid Commodities ſhall be tranſported within a Year after Importation, the Duty ſhall be repaid.

Any Perſons may tranſport Horſes or Mares, or Cattle, into Parts beyond the Seas, in Amity with the King, paying for each Horſe or Mare 5*s.* and for every Gelding 5*s.* for every Ox or Steer tranſported, to be paid 1*s.* for every Cow or Heifer 1*s.* and for Swine or Hogs 2*d.* each, and no more. *Stat.* 22 *Car.* 2. *c.* 13.

The 1 *Jac.* 2. *cap.* 3. granted to the King, theſe further Cuſtom-Duties, *viz.* for every Ton of *French* Wine and Vinegar imported 8*l.* and for every Ton of *Spaniſh* or other Wines 12*l.* and after thoſe Rates for greater or leſſer Quantities. The Importers upon the Entry made of ſuch Liquors, before the landing, ſhall pay the ſaid Duties, or become bound with two or more Sureties to his Majeſty to pay the whole Duty by three equal Payments, the firſt within three Months,

Months, the ſecond in ſix Months, and the third within nine Months: And if any of the ſaid Liquors ſhall be landed without preſent Payment, or without Security, they ſhall be forfeited, one Moiety to the King, and the other to the Informer; and yet the Importer ſhall pay the Duties payable by this Act.

There ſhall be allowed after the Rate of 10*l. per Cent.* for a Year, for preſent Payment: And Vintners and Retailers importing ſhall pay ready Money for the whole Duty. All other Importers, making Oath that the ſaid Liquors are imported by way of Merchandize, and with Intent to ſell again, ſhall be allowed the further Abatement of 8*l. per Cent.* and no more: But if any of the ſaid imported Liquors be again exported, the Perſon exporting ſhall receive back no part of the Duties of this Act; nor ſhall the Security given for the ſame be diſcharged by Reaſon of ſuch Exportation.

Officers of the Cuſtoms, and ſuch Perſons as the King ſhall appoint to collect theſe Duties, ſhall have Power to do all things for ſecuring the Payment thereof, which they may do touching the Cuſtoms of Tonnage and Poundage; and if the ſaid Liquors are imported and landed without doing what is by this Act required, they are liable to the ſame Seizures, and the Importers to the like Penalties and Forfeitures, which may be inflicted by former Acts.

By Statute 1 *Jac.* 2. *c.* 4. is granted an Impoſition upon all Tobacco, and Sugar imported, containing the further Duties herein after mentioned, *viz.* for Tobacco of the Growth of any of his Majeſty's Plantations, *&c.* in *America*, 3*d.* a Pound, above what it now pays; for foreign

Tobacco 6*d.* a Pound; for *Muſcovade* Sugar of the ſaid Plantations one Farthing the Pound; for Sugar of the *Engliſh* Plantations made fit for common Uſe, three Farthings a Pound; for *Muſcovade Sugar* of foreign Parts, and for all *Panele* Sugar, one Half-penny the Pound; and for foreign white Powder Sugar, one Penny Farthing a Pound; all the ſaid Duties to be levied on the Conſumptioner; and if the Importer be a Retailer, he ſhall pay them before he carries away his Goods from the Cuſtom-Houſe, or other Place where they are brought on Shore.

Every Importer not being a Retailer, after Entry of the Goods, ſhall by Bill under his Hand, before he have a Warrant to receive his Goods, become bound to the King with one or more Sureties, or procure two others to be bound, to the Value of the Duty, with Condition not to deliver the ſaid Goods to the Buyer, or into the Cuſtody of any Retailer, till the Duty granted by this Act be firſt paid; or in caſe he do not ſell or export the ſame within eighteen Months, that he will pay the Duty. No Importer ſhall be charged for any greater Proportion of Goods than ſhall remain neat, after ſuch Allowance as is directed by the Act of Tonnage and Poundage, and the Rules for collecting the Duties ariſing thereby: And the Importers dealing in the ſaid Commodities by Retail, ſhall upon Exportation in eighteen Months after, be repaid the Duties ſo by them paid.

By a ſubſequent * Act, the Security to be given for the ſaid Duties on Tobacco, ſhall be

* The Statute 7 & 8 *W.* 3. *cap.* 10.

by Bond from the Importer, with ſufficient Sureties for Payment thereof at the End of eighteen Months from the Importation, with a Diſcount of 10*l. per Cent.* for prompt Payment, if paid within three Months; of 8*l. per Cent.* at any time in ſix Months; of 6*l. per Cent.* if within nine Months; of 4*l. per Cent.* if in twelve Months; and of 2*l. per Cent.* if within fifteen Months. The Security given by the Importers for eighteen Months, may be diſcharged at any time within twelve Months, and not after.

On any Payment of the ſaid Duty for Tobacco imported to be conſumed here, 8*l. per Cent.* is to be allowed for the Merchant's Encouragement, and for Waſte and Shrinking: And there ſhall be an Allowance of 4*l. per Cent.* in conſideration of Waſte of any Tobacco ſo exported as aforeſaid, to be ſtruck off from the Entry, and not to be paid where the whole Quantity entred ſhall be exported. The Management of the ſaid Duties on Tobacco, are by this Act to be conformable to the Methods and Rules of the Cuſtoms.

The Statute 1 *Jac.* 1. *c.* 5. enacts, that there ſhall be paid to the King for all *French* Linen imported, double the Duties they ſtand charged with in the Book of Rates; and for Callicoes and other *Indian* Linen, 10*l.* for every hundred Pounds Value thereof; the like for wrought Silks, or other Manufactures of *India*, and all wrought Silks and Stuff manufactured in *France* or *Avignon*; for other wrought Silk imported 7*l.* for ſingle Brandy imported 8*d. per* Gallon, above the Duties already payable; and for ſtrong Water or Brandy above Proof, called double Brandy 2*s. per* Gallon; and for ſtrong Waters, *Aqua vitæ*, or Spirits of the ſecond Extraction

made here for Sale, 4*d.* *per* Gallon: The ſaid Duties to be raiſed in ſuch manner, and under ſuch Penalties as are mentioned in the Act of Tonnage and Poundage, *&c.*

No Brandies ſhall be imported in any Caſk, not containing 60 Gallons, on pain to forfeit the ſame, or the Value thereof, one half to the King, the other to the Informer.

By the 1 *W. & M. cap.* 12. it is enacted, that when Malt or Barley ſhall be at 24*s.* the Quarter, or under; Rye at 32*s.* *per* Quarter; and Wheat at 48*s.* the Quarter, or under, Merchants or others who ſhall put on Ship-board in *Engliſh* Ships, the Maſter and two thirds of their Mariners being their Majeſties Subjects, any ſorts of the Corn aforeſaid to be exported beyond the Sea, bringing Certificates thereof to the Officers of the Cuſtoms of the Port where ſhipped, and giving Bond in 200*l.* for every Ton of Corn to export the ſame, and not reland it in *England*, &c. ſhall receive from the Perſons appointed to collect the Cuſtoms, for every Quarter of Barley or Malt 2*s.* 6*d.* * Bounty; for every Quarter of Rye 3*s.* 6*d.* and for every Quarter of Wheat 5*s.* and ſhall pay no Cuſtom, or Fees for Corn ſo laden to be exported.

The Statute 1 *W. & M. c.* 22. makes it lawful for any Perſon to export and ſhip off as Merchandize, within any of the allowed Ports by Law, and at the uſual Hours, in the Preſence of a ſworn Officer appointed by the Commiſ-

* This Bounty Money for Corn exported, was not to be paid, by 11 *W.* 3. *c.* 1.

ſioners

ſioners of Exciſe, *&c.* any ſtrong Ale, Beer, Cyder or Mum, paying Cuſtom for the ſame after the Rate of 1 *s. per* Ton, and no other Duty: And ſuch Officer is to certify to the Commiſſioners and Officers of the Exciſe, where the Entry thereof ſhall be made, who are to make Allowance, or repay the Exciſe of the Liquors, within one Month after ſuch Exportation, deducting 3 *d.* a Ton for the Charge of their Officers: And if any Merchant, Maſter of a Veſſel, *&c.* ſhall cauſe any Liquors ſo ſhipped to be laid on Land, or put into any other Veſſel, within *England*, *Wales*, &c. he ſhall forfeit the ſame, and 50 *l.* more for every Caſk ſo unduly landed, one Moiety to the King, and the other to the Informer.

The ſaid Rate of one Shilling the Ton for Beer, *&c.* exported, ſhall be levied and paid under ſuch Rules and Penalties, and in ſuch manner as by the Laws of Tonnage and Poundage are ordained: And the Officers of the Cuſtoms ſhall charge every Maſter of any Veſſel, in his victualling Bill, with ſo much Beer, Ale, *&c.* as ſuch Number of Men uſe to ſpend in ſuch Voyages; the Exciſe whereof to be recover'd according to the Laws eſtabliſhed.

No Mum imported from foreign Parts, ſhall have any part of the Duty of Cuſtom or Exciſe repaid upon Exportation.

By 2 *W. & M. Seſſ.* 2. *c.* 10. Duties are granted on Beer, Ale, Mum, Cyder, *&c.* imported, for every Barrel of Beer, Ale or Mum, 6 *s.* For every Ton of Cyder or Perry 8 *l.* and for every Hogſhead of Cyder and Perry, made here and ſold by Retail, 2 *s.* 6 *d.* And all Metheglin and Mead 6 *d.* a Gallon: The ſaid Liquors of Beer

and Ale, *&c.* which shall be imported, shall not be landed, before due Entry made with the Collector of the Excise at the Port of Importation, or before the Duties be fully paid and satisfied, and a Warrant obtained for the Landing or Delivery signed by the said Collector; or without the Presence of an Officer, on pain of Forfeiture of the Liquors or the Value. See 12 *Car.* 2. *c.* 23. & 24.

The Statute 2 *W.* & *M. Sess.* 2. *c.* 4. Granted to their Majesties and their Successors, over and above the Duties before imposed, the farther Custom-Duties following, *viz.* For Callicoes and other *Indian* Linen, and wrought Silks, and Manufactures of *India* and *China* (except Indigo) 20*l.* for every 100*l.* Value; and for wrought Silks imported from any other Place, 10*l.* for every 100*l.* Value thereof; and for raw Silks from *China* or the *East Indies* 5*l.* for every 100*l.* Value. For Deal Timber, and all other Wood imported from any part of *Europe*, except *Ireland*, 10*l.* for every 100*l.* Value.

For every Last of Hemp-seed, Cole-seed and Rape-seed, 4*l.* For every Ton of Hemp-seed or other Seed-Oyl imported, 8*l.* and so proportionably for greater or lesser Quantities. For every hundred Weight of Hops, 20*s.* For every hundred Weight of Pepper, containing 112 Pounds, 28*s.* above the Charge in the Book of Rates; one third part to be paid down, and Bond given for Payment of the Remainder at twelve Months End, or else to discount 10*l. per Cent.* for present Payment. For every 100*l.* Value of * Gro-

* Altered as to Raisins and Currans by 4 & 5 *W.* & *M. c.* 5.

cery

cery Wares and Drugs, (other than Pepper, Liquoriſh, Currans, Sugar, Tobacco, Mace, Cinnamon, Nutmegs and Cloves) 10*l.* for every hundred Pounds of Currans, 5*l.* above what is charged in the Book of Rates.

For every Ton of Iron, (except Buſhel Iron) imported in any Veſſel not *Engliſh* built, and whereof the Maſter and three fourths of the Mariners are *Engliſh*, 33*s.* and for every Ton of ſuch Iron imported in Veſſels *Engliſh* built and ſo navigated, 23*s.* For foreign Iron-Wire, (except Card-Wire, and Wire ſmaller than fine and ſuperfine, and Wares made of ſuch Iron-Wire) for every hundred Weight, 22*s.* 6*d.* For Steel-Wire imported, 14*s.* for every hundred Weight. For every Iron Pot and Kettle imported, 1*s.* 3*d.* For every ſmall Back for Chimneys, 1*s.* 2*d.* and every large Back, 2*s.* 4*d.* For every hundred Weight of Rod-Iron, 4*s.* For every hundred Weight of Frying-pans, 4*s.* For every hundred Weight of Steel, 5*s.* 6*d.* and for every hundred Weight of Anvils, 9*s.* 3*d.* For every hundred of ſingle white or black Plates, 4*s.* 4*d.* And for ſuch double Plates, 8*s.* 8*d.* For every Harneſs-Plate, or Iron double, 1*s.* 4*d.* For every hundred Weight of Iron drawn or hammered, leſs than $\frac{3}{4}$ of an Inch ſquare, and all other Iron Ware manufactured, 5*s.* but no ſuch Ware hereby charged by the Piece or hundred Weight, ſhall be liable to pay by the Ton. And for every hundred Weight of Braſs, Latten or Copper-Wire, 15*s.* and ſo in Proportion.

For all Yarn of Flax or Hemp, other than Cable Yarn, an additional Duty of as much as is charged in the Book of Rates; and for every hundred Weight of Cable Yarn, 5*s.* For all

Manufactures of Glaſs (except *Rheniſh* and *Muſcovia* Window Glaſs) 3*s.* for every 20*s.* Value. For every hundred Weight of Melaſſes, imported from any other Place than the *Engliſh* Plantations, 8*s.* For every hundred Weight of Tallow, 5*s.* and for every hundred Weight of Tallow-Candles, 10*s.* For every Pound of Bever Wool cut and comb'd (except from *Ruſſia*, and imported thence in *Engliſh* Veſſels) 15*s.* For every Barrel of Pot-Aſhes, containing two hundred Weight neat, 8*s.* For every hundred Weight of Cordage ready wrought, 5*s.*

For every Ton of Olive-Oil imported, 4*s.* For every hundred Weight of Liquoriſh, 18*s.* For every hundred Weight of Liquoriſh Powder, 1*l.* 17*s.* 4*d.* and for every Pound Weight of Juice of Liquoriſh, 1*s.* For every hundred Weight of *Barilla* or *Sophora*, 2*s.* 6*d.* For every hundred Weight of Sope, 10*s.* For every Ream of Royal Paper, 2*s.* Blue Paper, Demi and painted Paper, 1*s.* 6*d.* For every Bundle of brown Paper, 2*d.* And for all other Paper as much more as is charged in the Book of Rates. For all earthen Ware not mentioned in the ſaid Book, 2*s.* 6*d.* for every 20*s.* Value. For every hundred Weight of Starch, 20*s.* For every hundred Weight of Allom, 4*s.* 6*d.* For every hundred Weight of Brimſtone, 4*s.* 8*d.* For every hundred Weight of Tin, 30*s.* and ſo proportionably.

The Duties granted by this Act ſhall be raiſed, collected and paid, in Manner and Form, and by ſuch Rules and under ſuch Penalties and Forfeitures, as are contained in the Act of Tonnage and Poundage 12 *Car.* 2. And for all additional Duties hereby impoſed, the Importer giving Security,

curity, ſhall have twelve Months time (where the ſame is not otherwiſe limited) to pay the ſame, by four quarterly Payments: And if ſuch Goods or Merchandize be again exported within a Twelve-Month, the additional Duty ſhall be repaid, and Security vacated.

Where any of the ſaid Duties upon Goods and Merchandize are to be levied according to the Value that ſhall be taken according to the Book of Rates, if ſuch Goods are there particularly rated; and if not, the Value ſhall be taken according to the Importer's Oath, the Duties not being to be reckoned into the Value.

By the 4 & 5 *W.* & *M. c.* 5. There ſhall be paid to their Majeſties, over and above all Impoſitions and Duties already payable; for every 100*l.* Value of Amber Beads imported, 20*l.* For Amber rough, 10*l.* and Amber Oyl, 10*l.* for every 100*l.* Value. For Anchovies, the little Barrel, not exceeding ſixteen Pounds of Fiſh, for every 100*l.* Value, 5*l.* For Wood, Weed, or Sope Aſhes, 6*s.* the Laſt. For every hundred Weight of Battery, Baſhrones or Kettles, containing 112 Pounds, 5*s.* For every ſuch hundred Weight of Metal prepared for Battery, 5*s.* For every hundred Weight of Books unbound, 4*s.* For Lamp-black, 20*l.* for every 100*l.* Value. For Boutel Reins, 10*l.* for every 100*l.* Value. For every Groſs of Bracelets or Necklaces of Glaſs, 2*s.* 6*d.* For Braſs wrought, 5*l.* for every 100*l.* Value. For Buckrams, 5*l.* for each 100*l.* Value. For Hair Buttons, 10*l.* for every 100*l.* Value. For Briſtles dreſt and undreſt, 5*l.* for every 100*l.* Value. For every Pound of Bacon, 4*d.* For Calve-Skins, 5*l.* for every 100*l.* Value. For Carpets, 5*l.* for every

100*l.*

100*l.* Value. For every Groſs of Catlings and Luteſtrings, 18*d.* For Barbers Aprons and Cheques, 8*d.* the Piece.

For every hundred Weight of caſt Copper, 7*s.* 6*d.* For every hundred Weight of Copper, part wrought or raiſed, 12*s.* 6*d.* And for every hundred Weight of Copper fully wrought, 17*s.* 6*d.* For Coral Beads, and all poliſhed Coral, 20*l.* for every 100*l.* Value. For all Manufactures of Cotton only, (except Dimity) not brought from *Eaſt-India* or *China*, 5*l.* for every 100*l.* Value. For every 100*l.* Value of Couries, 10*l.* For Elephants Teeth, 10*l.* for every 100*l.* Value. For Flax rough, 5*l.* for every 100*l.* Value. For Flax dreſſed or wrought, 15*l.* for each 100*l.* Value. For Hemp rough, 5*l.* for every 100*l.* Value. For every 100*l.* Value of Tow, 5*l.* For every Yard of Flannel, 2*d.* For every Yard of Frieze, 3*d.* ½. For every 100*l.* Value of Furs, 5*l.* For Gold and Silver Thread and Wire, 5*l.* for every 100*l.* Value. For every Pound of Goats-Hair, called *Carmenia* Wool, 4*d.* For every Pound of Goats-Hair of any other ſort, 2*d.* For Hides of all ſorts, dreſt and undreſt, except Buff and Loſh, 5*l.* for every 100*l.* Value. For every Buff-hide, 2*s.* For every Loſh-hide, 1*s.* For every 1000 of Walking-Canes, 25*s.* For Canes called Rattans, 5*s.* the 1000.

For Jewels rough, and precious Stones, 20*s.* for every 100*l.* Value, upon the Importer's Oath, in Lieu of all other Duties payable for the ſame. For every Pound of Indigo of foreign Plantations, not being of the Growth of any of the Dominions belonging to the Crown of *England*, 4*d.* And for every Pound of Indigo of the Growth

Growth of our own Plantations, 2 *d.* For Latten Shaven, black Latten, and round Bottoms, 10*l.* for every 100*l.* Value. For Leather, and Skins of all Sorts, 5*l.* for every 100*l.* Value. For all Lime and Lemon-juice, 20*l.* for every 100*l.* Value. For Litmus 5*l.* for every 100*l.* Value. For all *Lapis Calaminaris*, 20*s.* for every Ton. For Madder, 5*l.* for every 100*l.* Value. And for Orchal, and Pintadoes, not brought from *Eaſt-India* or *China*, 5*l.* for every 100*l.* Value. For Pitch, not being of the Product of the Dominions or Plantations of the Crown of *England* or *Scotland*, one Moiety more than is charged in the Book of Rates. For all Tar, not being of the ſaid Product, likewiſe the ſame Addition. And for Roſin, (except *French* Roſin) not being of the ſaid Product, 10*l.* for every 100*l.* Value.

For all ſorts of Plate of Silver, gilt or ungilt, 5*l.* for every 100*l.* Value For Rice, 5*l.* for every 100*l.* Value. For every Weigh of Salt (except ſuch as ſhall be uſed in curing Fiſh) 5*s.* For * Silk thrown of all ſorts, in the Gum, 5*l.* for every 100*l.* Value. And for every Pound of Silk wrought, other than Alamodes and Luſtrings, 2*s.* more than the ſame is already charged in the Book of Rates, *&c.* For Silk Ferret or Floret, a Moiety more than it is charged with in the ſaid Book of Rates. For Ticks and Tickings (unleſs *Scotiſh*) 5*l.* for every 100*l.* Value. For every dozen Pound of Thread Outnal, 4*s.*

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* By 2 *W.* & *M. c.* 9. No thrown Silk, but only from *Italy*, *Naples*, or *Sicily*, in Ships navigated according to 12 *Car.* 2. to be imported.

For

For all Tapiſtry and Dornix (except manufactured in, or brought from the *French* King's Dominions) 10*l.* for every 100*l.* Value. For unwrought Incle, one half more than what is now paid for the ſame. For Pan-tiles, 8*s.* the 1000. For dying Wood, (except red Wood from *Guinea*, Drugs and Logwood) 5*l.* for every 100*l.* Value. For Bees-wax, 5*l.* for every 100*l.* Value.

For every Ton of *French* Wine, 8*l.* above all Duties already charged. Upon all *French* Goods and Merchandize, (except Wine, Brandy, Salt and Vinegar) 25*l.* for every 100*l.* Value. For Alamodes and Luſtrings, 15*l.* for every 100*l.* Value. For Latten, Braſs or Copper Wire, 6*s.* 6*d.* the hundred Weight. For every Gallon of ſtrong Water, *Aqua Vitæ*, or Brandy, commonly called ſingle Brandy, to be paid by the Importer before landing, 2*s.* above the Duties before payable; and for every Gallon of double Brandy, to be paid as aforeſaid, 4*s.* The Rates and Impoſitions hereby impoſed, (except for the ſingle and double Brandy) ſhall be levied according to the Act of Tonnage and Poundage, and the Directions thereunto annexed, or any other Laws now in Force relating to the Cuſtoms: And the ſeveral Rates and Duties upon ſingle and double Brandy, to be levied according to the Laws of Exciſe.

When the Cuſtom Duties granted by this Act are paid in ready Money, the Importers ſhall have 10*l. per Cent.* abated: And in caſe the Goods be exported again in a Twelve-Month by any *Engliſh* Merchant, or within nine Months by Strangers, the Duty ſhall be repaid, for what ſhall be ſo exported; all Brandy excepted. And the Duties upon Amber Beads, Amber rough, Coral Beads,

Beads, poliſhed Coral, and Couries, to be repaid to the Merchant exporting the ſame, within three Years after the Importation thereof.

During the Continuance of the Act 2 *W. & M. Seſſ.* 2. *c.* 4. the Sum of 5 *l.* only ſhall be paid for every 100 *l.* Value of Raiſins above the Rates thereon charged in the Book of Rates; and 50 *s.* for every 100 *l.* Value of Currans; the ſame to be collected, as by the ſaid Statute is directed. And during the Continuance of an Act made in the *firſt Year* of their Majeſties Reign, for charging and collecting the Duties upon Coffee, *&c.* at the Cuſtom-houſe, there ſhall be paid for every hundred Weight of Coffee imported, 56 *s.* and no more; and for every Pound of Cocoa-Nuts imported from any of our own Plantations, 6 *d.* and from any other Countries, 8 *d.* and for every Pound of Tea, imported from whence it lawfully may, 1 *s.* and for every Pound of Chocolate, 1 *s.* and no more: Theſe Duties on Coffee, Cocoa-Nuts, Tea and Chocolate, to be paid over and above the Duties charged upon them in the Book of Rates.

No foreign Alamodes and Luſtrings ſhall be imported, but on Notice firſt given to the Commiſſioners of the Cuſtoms, *&c.* of the Quality and Quantity, Marks, Numbers and Package thereof, with the Name of the Ship and Maſter, and taking a Licence from the ſaid Commiſſioners for the importing the ſame; and the ſaid Goods otherwiſe imported ſhall be forfeited, one Moiety to the King, and the other to him that will ſeize or ſue for the ſame.

The Statute 4 & 5 *W. & M. c.* 10. ordains, that no foreign Buttons made of Hair, or other foreign Buttons whatſoever, ſhall be imported into

into this Kingdom, or bartered, sold or exchanged, on pain to forfeit the Buttons so imported, bartered, sold or exchanged; and under such further penalties as are expressed in the Act made *Anno* 14 *Car.* 2. prohibiting the Importation of foreign Bone-Lace, Cut-work, Imbroidery, *&c.* one Moiety to their Majesties, and the other to the Informer.

By the Act 4 *&* 5 *W. & M. c.* 15. made for continuing divers Acts relating to the Customs, *&c.* It is enacted, that none shall be admitted to swear to a Debenture, for any Custom Duties to be drawn back upon Re-exportation of Goods and Merchandize, but the Person who is the true Exporter, as being either interested in the Property and Hazard of the Goods, or employed by Commission, so as to be concerned in the Direction of the Voyage.

All Persons who by way of Insurance or otherwise shall undertake to deliver any Goods imported from beyond Sea, without paying the Duties payable for the same, or any prohibited Goods, and shall deliver, or cause to be delivered, such Goods aforesaid, knowing thereof, shall for every such Offence forfeit 500*l.* And all Persons that shall agree to pay any Money for the insuring or conveying any Goods or Merchandizes so imported, without Payment of the Duties, *&c.* or shall receive the same, before the Customs paid, knowing thereof, incur a like Forfeiture of 500*l.* for every Offence; the one Moiety of the said Forfeitures to be to their Majesties, and the other to the Informer, or such Persons as will sue for the same, recoverable within twelve Months according to the Course of the Exchequer.

And

And if the Inſurer or Manager of ſuch Fraud be the Diſcoverer, he ſhall not only keep the Money given him, and be diſcharged of his Penalty, but ſhall have one half of the Penalty impoſed upon the Parties making ſuch Inſurance, or receiving the Goods as aforeſaid; and in caſe the Party inſured make Diſcovery thereof, he ſhall recover back his *Præmium*, and have a Moiety of the Forfeiture impoſed on the Inſurer, and be diſcharged of that impoſed upon himſelf.

For the better Encouragement of the Copper and other Mines within this Kingdom, it ſhall be lawful for any Perſon or Perſons whatſoever, to export all manner of Iron, Copper, or Mundick Metal out of the Realm of *England*, *Wales*, &c. paying the Duties and Cuſtoms; notwithſtanding any former Law or Uſage to the contrary; ſo as not to extend to the Exportation of Pot-metal, Gun-metal, or Shruff-metal, or any old Metal or Mixture therewith, or of any Copper or other Metal, than what is made of *Engliſh* Oar only. *Stat.* 5 & 6 *W.* & *M. c.* 17.

The 6 & 7 *W.* 3. *c.* 7. granted ſeveral additional Cuſtom Duties on Coffee, Tea, Chocolate, and Spices, &c. For every hundred Weight of Coffee, 56*s.* For the like Weight of Currans coming from any Plantations belonging to *England*, 56*s.* but if from any other Country from whence they may lawfully come, 4*l.* 4*s.* For every Pound of Chocolate ready made, 1*s.* Every Pound of Cocoa-paſte, 2*s.* Every Pound of Tea, 1*s.* but if imported from *Holland*, or any other Country not of its Growth, &c. 2*s.* 6*d.* *per* Pound. For all Nutmegs, Cinnamon, Cloves and Mace, 5*l.* for every 100*l.* Value. And for Pictures, whether for Sale or private Uſe, 20*l.*

*per*

*per Cent.* of the Value, according to the Importer's Oath.

Any Person may import Nutmegs, Cinnamon, Cloves, Mace and Tea, from any Parts beyond the Seas in *English* Ships, whereof the Masters and two thirds of the Mariners are *English*, so as Notice be first given to the Commissioners of the Customs, *&c.* and having their Licence for it: And if the Importer of any of the Commodities aforesaid, being a Native of this Kingdom, shall within twelve Months, or an Alien in nine Months, export again any part thereof, he shall be repaid two thirds of the Duties by him paid, by Virtue of this Act, making Oath that the said Goods are really to be exported for Parts beyond the Seas, and not to be relanded in *England.*

By 7 & 8 *W.* 3. *c.* 10. no Debentures are to be allowed for any Goods, but such only as shall be ship'd for Transportation; according to the second Rule annexed to the Book of Rates, the Sum of 2*s.* only shall be paid for every Ton of *Lapis Calaminaris* exported, over and above the Rates charged by the Book of Rates. All Linen Cloths commonly called *Borelaps*, not exceeding twenty-eight Inches and a half in Breadth, nor 12*d.* an *English* Ell in Value, shall be entered *ad valorem*, and pay Custom accordingly, not as *Hollands.* And it shall be lawful to import from *Ireland* any Bar-Iron unwrought, or slit and hammer'd into Rods, (other than *Swedish*, or other foreign Iron) discharged of Impositions. The impost Duty on Tobacco, granted by 1 *Jac.* 2. is by this Act directed how to be collected and managed.

The 7 & 8 *W.* 3. *c.* 19. enacts, that no Person shall ship, or cause to be shipped any molten Silver

Silver or Bullion, without Certificate from the Lord Mayor and Court of Aldermen of *London*, Oath having been made before them by the Owner, and likewiſe two or more credible Witneſſes, that the ſaid Bullion is foreign Bullion, and no part thereof was the Coin of this Kingdom, or Clippings thereof, or Plate wrought here; which Certificate is to be produced to the Commiſſioners of the Cuſtoms, before any Cocket ſhall be granted for exporting ſuch Bullion.

Any Officer of the Cuſtoms, or other Perſon, may ſeize any Bullion that ſhall be ſhipped without ſuch Oath, Certificate and Entry, as forfeited, one Moiety to the King, the other to the Seizor; and the Owner and Proprietor of the Bullion ſhall forfeit double the Value thereof, *&c.* Alſo the Captain of ſuch Ship who knowingly permits the ſame to be put on board, ſhall forfeit the Sum of 200*l.* and if the Ship be a Man of War, he ſhall alſo loſe his Employment, and be made incapable of any other.

And every Commiſſioner or Officer of the Cuſtoms, who ſhall grant any Cocket for exporting of Bullion, otherwiſe than according to the Directions of this Act, ſhall forfeit 200*l.* and be rendered incapable of any Office of Profit or Truſt whatſoever.

The Statute 7 & 8 *W.* 3. *c.* 20. granted to his Majeſty, his Heirs and Succeſſors over and above the Cuſtoms before impoſed and payable, theſe farther Rates and Duties following: For every Ton of *French* Wine imported, 25*l.* without any Deduction; every Ton of *French* Brandy of ſingle Proof, in like manner, 30*l.* of double Proof, 60*l.* And for every Ton of *French* Vinegar, in like manner, 15*l.* For all other Goods of the

Product or Manufacture of *France*, 25 *l. per Cent.* and ſo proportionably. The Duties to be raiſed, collected and paid, by ſuch Rules, Means and Ways, and under ſuch Penalties and Forfeitures as are expreſſed in the Act 12 *Car.* 2. of Tonnage and Poundage, or any other Laws in Force relating to the Cuſtoms.

There is a Clauſe in this Act, that no Perſons ſhall export beyond the Seas, any Frame or Engine for making and knitting of Stockings, or any part thereof, upon pain of forfeiting the ſame, and alſo the Sum of 40 *l.* one Moiety to the King, the other to the Perſon who ſhall inform and ſue for the ſame in any Court of Record.

By the 7 & 8 *W.* 3. *c.* 39. Any Native of *England* or *Ireland* may import here directly from *Ireland*, any ſorts of Hemp, Flax, Thread, Yarn and Linen of *Ireland*, free from all Cuſtoms and Duties whatſoever, the Maſter of the Ship wherein imported, bringing with him a Certificate from the chief Officer of the Port in *Ireland* where ſuch Goods ſhall be put on board, expreſſing the ſeveral Particulars mentioned in the Bill of Lading, with the Name and Place of Abode of the Exporter from thence, and the Perſon to whom the Goods are conſigned in *England*; and the ſaid Goods muſt be ſworn to be of the Growth and Manufacture of *Ireland*, &c. And by this Statute all *Engliſh* made Sail-Cloth, (upon due Proof on Oath of its being made in this Kingdom) may be exported, free from the Payment of any Cuſtom, either in the Piece or Bolt, or in Sails ready made.

By 8 & 9 *W.* 3. *c.* 34. for leſſening the Duty on Tin and Pewter exported, it is enacted, that there ſhall be paid on any Entry of Tin, for every

every hundred Weight unwrought, 3*s.* And for every hundred Weight of wrought Tin, commonly called Pewter, 2*s.* and ſo proportionably, and no more. The Duty to be received for all Drugs, imported directly from the Place of their Growth in *Engliſh* built Ships, by this Statute ſhall be according to the full Value of the reſpective Species, enumerated in the Book of Rates; and for Drugs otherwiſe imported, treble ſuch Value.

The Statute 9 & 10 *W.* 3. *c.* 13. Grants a Duty upon all Coals imported into this Kingdom from any Parts beyond the Sea, (uſually ſold by Weight) of 5*s.* *per* Ton, and after that Rate for a greater or leſſer Quantity; and for the like imported Coals, uſually ſold by Meaſure, 7*s.* 6*d.* *per* Chalder, to be paid by the Importer: And for Coals ſhipped and carried by Sea from any Port of this Kingdom to any other Port thereof, 5*s.* *per* Chalder, or 3*s.* 4*d.* the Ton. Alſo for all Culm Water-born in order to be ſhipped within this Kingdom, or brought into the ſame, 1*s.* *per* Chalder, payable where imported by the Owner, Maſter, or other Perſons having the Charge of the Ship or Veſſel. And due Entries to be made of Ships and Coals, &*c.* on pain of Forfeiture.

And the ſaid Duties upon Coals and Culm ſo imported or Water-born, ſhall be under the Management of the Commiſſioners of the Cuſtoms, and be collected and paid into the Exchequer, diſtinct from all other Monies; which ſaid Commiſſioners may under their Hands and Seals appoint in every Port, Meters, Weighers, or Meaſurers of the ſaid Coals, who upon the unlading of Ships, ſhall deliver a Certificate to the Col-

lector of the said Duties, of the Sorts and Quantity of Coals, under the Penalty of 100*l.*

By the 9 & 10 *W.* 3. *c.* 23. over and above all Subsidies of Tonnage and Poundage, and additional Duties already payable, there shall be paid one other Subsidy called Tonnage, for all Wines imported, *viz.* of every Ton of *French* Wine, that shall be brought into the Port of *London*, by way of Merchandize, by natural-born Subjects, 4*l.* 10*s.* and by Strangers and Aliens, 6*l.* Every Ton of like Wine brought to any other Port of this Kingdom, by natural Subjects, 3*l.* and by Aliens, 4*l.* 10*s.* For every Butt or Pipe of sweet Wines, of the Growth of the *Levant*, *Spain* or *Portugal*, brought into the Port of *London* by Subjects, 45*s.* and by Aliens, 3*l.* And every Butt or Pipe brought into any other Port by natural-born Subjects, 30*s.* and by Strangers, 45*s.* Every Awm of *Rhenish* Wine, or of the Growth of *Germany*, imported by natural Subjects, 20*s.* and by Aliens, 25*s.* And if such Wines are landed in the Out-Ports, and afterwards brought to *London* by Certificate, they shall pay so much more as they paid short of the *London* Duty: Which several Rates for Wines are the same as in the Book of Rates, referred to by the Act 12 *Car.* 2. *c.* 4.

And all manner of Goods and Merchandizes imported, shall pay one further Subsidy of Poundage of 12*d. per* Pound of the Value thereof, according to the said Book of Rates: Except all Fish *English* taken, and imported in *English* Bottoms, fresh Fish and Bestial imported, and all other Goods mentioned to be Custom-free in the said Book of Rates, and such Goods as are commonly used in dying. And Drugs imported from

the Place of their Growth in *Engliſh* built Shipping, ſhall be rated by this Act but one third part charged in the Book of Rates; and ſo of all Spicery, except Pepper: Linen and Silks imported ſhall not pay the additional Duty of one Moiety, mentioned in the ſaid Book of Rates. Nor is Tobacco of the *Engliſh* Plantations to be charged with the additional Duty of 1 *d. per* Pound, over and above the Subſidy in the Book of Rates; nor ſhall the Wines of *France*, *Germany*, *Portugal* or *Madera* be charged with the additional Duty of 3 *l. per* Ton, or any other Wines with 4 *l. per* Ton, mentioned in the former Acts or Book of Rates. And Ginger of the *Engliſh* Plantations, valued at 16 *d. per* Pound in the ſaid Book of Rates, ſhall pay for the former Subſidy 12 *d.* the hundred Weight, and the ſame Rate for this preſent Subſidy, and no more.

Out of the Duties hereby granted, there ſhall be the like Allowances as are preſcribed in the former Acts or Book of Rates: And the ſaid Duties ſhall be levied by the Officers of the Cuſtoms, according to the Rules and Directions of the former Act of Tonnage and Poundage. All foreign wrought Silks exported within one Year from the Importation, ſhall have two thirds of the Rates hereby charged, repaid at the Cuſtom-Houſe. For all Tobacco coming from the *Engliſh* Plantations, exported within a Year, the further Subſidy ſhall be repaid: And the whole Duty laid by this Act on Sugars of the *Engliſh* Plantations in *America*, is to be paid back upon Exportation. Alſo there ſhall be repaid at the Cuſtom-Houſe, within one Month after Demand, 3 *s.* for every hundred Weight of Sugar refined in *England*, and exported; Oath being made that

it was produced from brown and *Muſcavado* Sugar charged by this Act, imported from the *Engliſh* Plantations, for which the Duty was paid on Importation.

If any Perſons import or bring into this Kingdom any cut Whale-bone, other than in Fins only, they ſhall forfeit the Goods, and double the Value of the cut Whale-bone ſo imported, one Moiety to the King, the other to them that ſhall ſeize or ſue for the ſame. And further Penalties and Forfeitures are inflicted on Maſters of Ships importing ſuch foreign cut Whale-bone; and on trading Perſons having the ſame in their Cuſtody, by this * Statute.

By 9 & 10 *W.* 3. *c.* 28. It ſhall be lawful to export ſuch Watches, Sword-Hilts, wrought Plate, and other Silver Manufactures made within this Kingdom, being of the Fineneſs of eleven Ounces and ten Penny-weight of fine Silver to every Pound *Troy*, and ſo proportionably, according to the Rules in the Act made 8 & 9 *W.* 3. as ſhall be yearly allowed by the Commiſſioners of the Cuſtoms. And no Perſon ſhall export or ſend out of the Kingdom, any Boxes, Caſes or Dial-plates for Clocks or Watches, without the Movements therewith made up fit for Uſe, with the Clock or Watch-maker's Name engraven thereon; upon pain of Forfeiture, and alſo 20 *l.* for every Offence.

By the Statute 9 & 10 *W.* 3. *c.* 30 & 43. All Luſtrings and Alamodes imported into this Kingdom, ſhall be valued at 4 *l.* for every Pound Weight, containing 16 Ounces; and the ſeveral

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* Statute 4 & 5 *Ann. c.* 12.

Subſidies

Subſidies and Duties thereon, be collected, paid and anſwered according to that Valuation, with ſuch Allowances, and under ſuch Penalties, as are preſcribed by former Acts. And no Alamodes or Luſtrings are to be imported but into the Port of *London* only; giving Notice to, and taking Licence from the Commiſſioners of the Cuſtoms there, *&c.* Alſo they ſhall be marked and ſealed with the Cuſtom-Houſe Seal, *&c.* And if any of theſe Silks ſhall be imported contrary to this Act, they may be ſeized as forfeited, and ſhall be tranſported again, without any Draw-back allowed for the Duty, *&c.* And all Perſons who ſhall ſo import, or knowingly receive any Alamodes or Luſtrings into their Cuſtody, or ſell or offer to ſell any ſuch foreign Silks ſo fraudulently imported, and their Aſſiſtants knowing thereof, ſhall forfeit 500*l.*

By 9 & 10 *W.* 3. *c.* 40. the Act made 7 & 8 *W.* 3. for the more effectual preventing the Exportation of Wool, *&c.* is continued; by which Statute, no Wool, Wool-fells, Mortlings, Shorlings, Yarn made of Wool, Wool-flocks, Fullers-Earth, or Scouring-Clay, ſhall be carried by Land, to or from any Place in the Counties next adjoining to *Scotland*, or within five Miles of the Sea-Coaſts, but between Sun-riſing and Sun-ſetting, under Penalty of Forfeiture of the ſaid Commodities, and the Horſes and Carriages employed in carrying thereof: And no Ship or Veſſel ſhall export the ſame to any Port beyond the Seas, on pain of forfeiting the Veſſel, and treble the Value thereof, *&c.* And the Inhabitants of the Hundred or Place adjoining, out of or thro' which any of the ſaid Commodities ſhall be carried or exported, are liable to Forfeitures.

All Owners of Wool, ſhorn, houſed or lodged within ten Miles of the Sea-ſide in *Kent* and *Suſſex*, ſhall give an exact Account in Writing, in three Days after ſheering their Sheep, of the Number of Fleeces, and where lodged or houſed, to the next adjoining Port or Officer of the Cuſtoms, and the like Notice before Removal thereof, and the Name and Abode of the Perſons to whom diſpoſed of, and where intended to be conveyed; and ſhall take a Certificate of the Entry, on Forfeiture of the Wool not entered, or otherwiſe diſpoſed of, and a Penalty of 3 *s.* *per* Pound for ſuch Wool, as if it had been actually tranſported. And Perſons reſiding within fifteen Miles of the Sea in thoſe Counties, ſhall not buy any Wool, before they enter into Bond to the King with Sureties, not to ſell the ſame to any Perſons within fifteen Miles of the Sea; and if any Wool be carrying to the Sea-ſide, without Entry and Security given, it ſhall be forfeited, and 3 *s.* for every Pound Weight.

None ſhall export or convey out of *Ireland* into any foreign Parts, other than in *England* or *Wales*, any Wool, Wool-fells, Wool-flocks, Worſted, Bay, or Woollen Yarn, Cloth, Serges, Bays, Kerſeys, Says, Frizes, Druggets, Cloth-Serges, Shalloons, or any other Drapery Stuffs, or Woollen Manufactures whatſoever, made or mixed up with Wool, or Wool-flocks, or load any ſuch Wool, *&c.* in any Place of *Ireland*, with Intent to be exported, *&c.* upon pain of Forfeiture, and 500 *l.* for every Offence: And every Ship and Veſſel, wherein any of the ſaid Goods ſhall be ſo laid on board, to be forfeited with her Tackle and Furniture; and the Maſter and Mariners, Carriers and others concerned therein, ſhall forfeit 40 *l.*

And

And this extends to the *Engliſh* Plantations in *America*, upon the ſame Pains, Penalties and Forfeitures. *Stat.* 10 & 11 *W.* 3. *c.* 10.

By the 10 & 11 *W.* 3. *c.* 21. to prevent Frauds in the Importation of Tobacco, it is enacted, that no Tobacco ſhall be imported from the Plantations, or ſhipped there, but in a Caſk, Cheſt or Caſe, each containing two hundred Weight of neat Tobacco at the leaſt, at 112 Pounds to the Hundred, on pain of forfeiting ſuch Tobacco, and 6 *d.* for every Pound Weight thereof, (except ſmall Quantities for the Ships Company's Smoaking in their Voyage) two thirds of the Forfeiture to the King, and the other third to the Seizor and Proſecutor, to be recovered by Action of Debt, *&c.* Any Perſons may import into this Kingdom Pearl-Aſhes of the Product of *Germany*, paying the Cuſtom Duties of Pot-Aſhes.

By 10 & 11 *W.* 3. *c.* 24. no Fiſh, except Stockfiſh and live Eels, taken by Foreigners or Aliens, (except Proteſtant Strangers inhabiting within this Kingdom) ſhall be imported in any foreign Ship or Veſſel, not being wholly *Engliſh* Property, and ſold in *England*, under pain of forfeiting the Ship, *&c.* and all Fiſh ſo imported and ſold; one Moiety whereof to the Poor of the Pariſh where the ſame ſhall be found or ſeized, the other to the Seizor: But not to prohibit the Importation of Anchovies, Sturgeon, Botargo or Cavear. And this Act ſhall not take away an ancient Duty of Cod and Ling, payable to the King for the Service of the Houſhold, by the Merchants trading to *Weſtmoney* and *Iſeland*, but the ſame may be taken as heretofore. Allowances are to be made for Fiſh exported, as Pilchards, white and red Herrings,

Herrings, Salmon, Cod-fish, Ling or Hake, &c. by the 9 & 10 *W.* 3. *c.* 44.

The Statute 11 & 12 *W.* 3. *c.* 3. granted to the King, over and above all former Duties, a Duty of 15 *l. per Cent.* on wrought Silks and Bengals, and Stuffs made in *Persia*, *China* or the *East Indies*, and all Callicoes, painted, dyed, printed or stained there; and for all Muslins, imported into this Kingdom: The Importers of the said Goods shall enter them, and before landing give Security for Payment of the Duties, as soon as sold, and for selling the same in *London* by Inch of Candle, &c. within twelve Months after Importation. The said Duties to be under the Management of the Commissioners of the Customs; and upon a fair Sale of such Goods, the Importer paying the Duty in ready Money within twenty Days after, shall be allowed 5 *l. per Cent.* and on re-exporting any of the said Goods in twelve Months, the said Duty shall be repaid, or the Security vacated.

Any Persons may export to the *English* Plantations, or into any other Parts beyond the Seas, all sorts of *English* Bone-Lace, Needle-Work, Point or Cut-work, Custom-free, Oath being made of its being manufactured in this Kingdom.

By the 11 & 12 *W.* 3. *c.* 10. for the better imploying the Poor, by encouraging the Manufactures of this Kingdom, it is enacted that all wrought Silks, Bengals, and Stuffs of the Manufacture of *Persia*, *China* or *East India*, and such Callicoes aforesaid, which shall be imported, shall not be worn here; but shall be entered and carried to Warehouses appointed by the Commissioners of the Customs, in order for Exportation, and not taken thence but on Security given that

they ſhall be exported; which Security is to be diſcharged, upon Certificates or Proof of their being landed abroad, *&c.* And any ſuch Goods mixed with others, or made up for Sale, found in any Place (except the ſaid Warehouſes) ſhall be forfeited and ſeized as prohibited and uncuſtomed Goods, and carried to the next Cuſtom-Houſe, and ſold for Exportation only; whereof one third part of the Monies to go to the King, and the other two third parts to the Seizor, *&c.* Beſides a Forfeiture of 200*l.* on the Perſon having or ſelling the ſame.

And if any Perſons ſhall bring into any Ports of this Kingdom, except *London*, any of the ſaid Goods, or into the Port of *London*, without making due Entries thereof, they ſhall forfeit the Goods, and 500*l.* to be divided as aforeſaid. The Proof where the ſaid Goods were manufactured, ſhall lie upon the Owner: And no Duties ſhall be paid upon importing ſuch Goods, other than the half Subſidy, but that is to remain after the Goods are exported.

By 11 & 12 *W.* 3. *c.* 20. the Subſidies and Duties upon the Exportation of any long Cloths, ſhort Cloths, Kerſeys, Bays or Serges, Cottons, Stuffs, Stockings, Hats, Caps, or other Manufactures of Wool, made within this Kingdom, payable by the Act of Tonnage and Poundage 12 *Car.* 2. And alſo all Duties on exporting Wheat, Rye, Barley, * Malt, Beans, Peaſe, and all other ſorts of Corn and Grain; and upon exporting

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* The *Exciſe* Duty paid for Malt, to be repaid or drawn back on Exportation. See *Stat.* 13 & 14 *W.* 3. *cap.* 5.

Bread,

Bread, Biſcuit, and Meal out of the Kingdom, ſhall ceaſe, determine and be no longer paid.

By the 12 & 13 *W.* 3. *c.* 11. the Rates and Duties by 6 & 7 *W.* 3. charged upon Coffee, Cocoa-Nuts, Chocolate, Tea, Nutmegs, Cinnamon, Cloves, Mace, Pictures, *&c.* are further continued; as is likewiſe the Cuſtom Duty of 15 *per Cent.* on Muſlins, granted by 11 & 12 *W.* 3. *c.* 3. with a Proviſo, that if the Muſlins be again exported, the whole Duty, upon Proof of Payment thereof, ſhall be repaid: And what particular Linen Goods are Muſlins are explained by this Act. All Duties impoſed upon japanned and laquered Goods imported to be paid according to the real Value ſuch Goods ſhall be ſold for by the Candle.

Exporters of Strong Waters made from malted Corn only, on Oath made thereof, *&c.* ſhall be allowed or paid 1 *d. per* Gallon: But all foreign Spirits imported in any Veſſel, under 15 Ton, except one Gallon only for the Uſe of each Seaman, ſhall be forfeited.

The Statute 1 *Ann. cap.* 12. enacts, that it ſhall and may be lawful to import from *Hamburgh* into the Port of *London*, or any other Ports of this Kingdom, Wines of the Growth of *Hungary*, and upon the Importation of any ſuch Wines, there ſhall be paid ſuch Rates and Duties only, as by any Law in force are due and payable for any *Rheniſh* Wines, or Wine of the Growth of *Germany*, imported into this Realm.

By the 1 *Ann. c.* 26. no Cocket or Bond thereon, ſhall be required from any Maſter of any Hoy or Veſſel, carrying Corn, Meal and other Goods, (for which no Duty is payable, and which may be lawfully tranſported) between *London-Bridge* and

and the ſuppoſed Line leading from the *North Foreland* to the Point called *Naſe*; but the ſaid Goods may be conveyed to any Place within the Port of *London* by Tranſires, or Let-paſs only, for which there ſhall be paid 3*s.* 5*d.* and no more, to be diſtributed among the Officers of the Cuſtoms, in manner as where Bonds and Cockets are taken for Goods carried Coaſt-wiſe. And the Sum of one Shilling and eight Pence half-penny, ſhall be divided amongſt the ſaid Officers, in lieu of their Fees, when the Quantity of Corn exceeds not fifty Quarters, and Hops fifty Bags in any one Veſſel.

By 1 *Ann. Seſſ.* 2. *c.* 14. if any Perſon or Perſons ſhall import *French* Brandy, or deliver the ſame out of the Ship or Veſſel, the Duty not being paid or ſecured, or without Licence from the proper Officer, the Perſons ſo doing, their Aiders, Aſſiſtants, or the Concealers thereof, ſhall forfeit the Goods and double the Value; one Moiety whereof, after Charges of Suit deducted, to go to her Majeſty, and the other to the Informer, who ſhall ſue for the ſame in any Court of Record. And if any Officer of the Cuſtoms or Exciſe ſhall connive at, or be concerned in any ſuch clandeſtine Importation, or do not give notice thereof to the Commiſſioners of the Cuſtoms, *&c.* or ſhall compound with any Perſon without Licence, he ſhall be incapable of any Office in the Revenue, and forfeit 500*l.* to be recovered and divided as aforeſaid.

By the Statute 2 *Ann. c.* 9. there ſhall be paid to her Majeſty, over and above the Subſidy of Tonnage and Poundage granted by 9 *W.* 3. *c.* 23. *&c.* and other Duties, for Tonnage of all Wines imported, one third part of the Duties impoſed

by

by the ſaid Acts, and a like third for Poundage of all Goods imported by way of Merchandize; which ſaid Duties ſhall be raiſed, ſecured and paid, by the ſame Methods, and under the ſame Penalties, as by the ſaid Acts are preſcribed. And the Cuſtom-Houſe Officers ſhall not take any Fee for any thing relating only to the Tonnage and Poundage hereby granted, on the Penalty of 40*l.* one third to her Majeſty, and the other two thirds with Coſts to the Party grieved.

For every hundred Weight of *Engliſh* refined Sugar exported, there ſhall be repaid to the Exporter, 1 *s.* (above the 3 *s.* repayable by former Acts) Oath being made that it was produced of *Muſcavado* Sugar hereby charged, imported from the Plantations, and Duty paid, *&c.* Importers of Tobacco ſhall have nine Months from the Entry of it inward for Payment of the Duty hereby impoſed, (giving Bond with Security for the ſame) and for prompt Payment 6*l. per Cent.* and *Engliſh* Merchants are to have eighteen Months from the Entry inwards of Tobacco, Sugar, Ginger, Pepper, Beads, Caſt and Bar-Iron, Dying-Wares and Drugs, to export the ſame, and receive the ſame Benefit as if exported in a Twelve-month, Requiſites being performed: But no Drawback ſhall be allowed upon Exportation of Wares, made of foreign wrought Iron or Steel in foreign Parts, to any of the Plantations in *America.*

In all Caſes where the Oath of the Importer or Exporter is required to obtain a Drawback or Allowance for foreign Goods, the Oath of the Agent or of a known Servant of any Merchant, employed in the making his Entries and paying the Cuſtoms, ſhall be ſufficient.

By

By 3 & 4 *Ann.* *c.* 4. the Duties upon low Wines, and on Coffee, Tea, Chocolate, Spices and Pictures, *&c.* are continued; and new additional Duties granted upon the ſaid Commodities laſt mentioned, and alſo on white Callicoes, *China* Ware and Drugs: The white Callicoes, which do not pay Duty as Muſlins, and all Dimities and other Manufactures made of Cotton imported, are liable to a Duty of 15*l.* *per Cent.* all Porcelain, commonly called *China* or *Japan* Ware, made of Earth, 12*l.* *per Cent.* all rated Drugs, except for dying, to pay 10*l.* for every 100*l.* worth thereof; and unrated Drugs, 4*l.* *per Cent.* according to the true and real Value. And if any of the ſaid Callicoes, *China* Ware, or Drugs ſhall be landed before Entry, and the ſaid Duties ſecured or paid, *&c.* they ſhall be forfeited, two thirds to the Uſe of her Majeſty, and the other third to ſuch Perſon as will ſeize, inform or ſue for the ſame.

By the Statute 3 & 4 *Ann.* *c.* 5. for granting a further Subſidy on Wines and Merchandizes imported; it is enacted, that there ſhall be paid above all other Duties and Impoſitions, two third parts of the Tonnage upon Wines, and Poundage on all Goods imported, as by the 9 *W.* 3. *c.* 23. were granted, and by 1 *Ann.* *c.* 7. were continued: Theſe Duties to be raiſed, collected and levied by the ſame Ways and Means, and under ſuch Penalties, *&c.* as by the ſaid former Statutes; and the like Drawbacks or Abatements ſhall be made thereupon. Tobacco is excepted out of this Act; and ſo are ſuch Currans as ſhall be imported in *Engliſh* built Shipping, navigated according to Law; and Sugar from the *Engliſh* Plantations, *&c.*

By

By the 4 *Ann. c.* 6. over and above the Subsidies of Tonnage and Poundage, mentioned in the 9 *W.* 3. 1 *Ann. c.* 7. 2 *Ann. c.* 9. and all other Duties, the like Subsidy of Tonnage was granted to her Majesty, her Heirs and Successors, upon all Wines imported into *England*, that was imposed by the 2 *Ann. c.* 9. *viz.* one third part of the Duties, as were granted by 9 *W.* 3. *c.* 23. And upon all Goods and Merchandizes, which during ninety-eight Years shall be imported, such Subsidy of Poundage as by the said Act 2 *Ann.* was laid or imposed. In this Act there is a Clause, that the Exception in the 3 *Ann. c.* 5. whereby Currans imported in *English* built Ships, navigated according to the Laws then in force, are exempted from Duties thereby granted, shall be extended to all Currans imported in Ships belonging to *Venice*, to exempt them from Payment of the Subsidy by that Act.

And by this Statute the Duties upon Sweets, and on Brandy imported, with divers other Custom Duties are continued; also additional Duties granted on Beer, Ale, Mum, Cyder and Perry, and upon Brandy, Spirits, or *Aqua Vitæ* imported, *&c.* And if there shall be an Overplus of the said Duties, which are appropriated as a Fund to make certain Payments, at the end of the first two Years, or if at the end of any subsequent Year there shall be an Overplus of the Duties, beyond what will answer the said Payments, such * Overplus shall be disposable by Parliament.

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* This seems to have given Rise to the *Sinking Fund.*

By

By 5 *Ann. c.* 27. the Tonnage and Poundage, and Duties upon Wines and Merchandizes imported, granted by 12 *Car.* 2. *c.* 4. and the Acts 12 & 14 *Car.* 2. for preventing Frauds and Concealments in the Cuſtoms: The Duties upon Wine and Vinegar granted *per* 1 *Jac.* 2. *c.* 3. The Duties on Tobacco granted by the 1 *Jac.* 2. *c.* 4. The Duties on Merchandizes granted by 2 *W.* & *M. Seſſ.* 2. *c.* 4. for laying certain Impoſitions on *Eaſt-India* Goods, &c. And the Duties granted by 4 *W.* & *M. c.* 5. being additional Impoſitions upon ſeveral Goods, &c. all which by ſubſequent Acts, and particularly 1 *Ann. c.* 13. were continued, are by this Act further continued for a certain time. But nothing herein ſhall be conſtrued to determine any Clauſes in any of the ſaid Acts, that were intended to be perpetual, &c. And where any Alteration is made by any Statute in force, the ſame ſhall be obſerved during the Term hereby granted.

By 6 *Ann. c.* 8. it is enacted, that a Duty of 5*s.* ſhall be paid for every white Woollen Cloth, commonly called Broad Cloth, which ſhall be exported out of this Kingdom into foreign Parts: And if any Perſon ſhall export or ſhip on any Boat or Veſſel, in order to Exportation, any ſuch white Woollen Cloth or Cloths, without firſt paying the ſaid Duty, they ſhall forfeit the ſame, or the Value thereof, one Moiety to her Majeſty, the other Moiety to the Perſon who ſhall ſeize or ſue for the ſame.

The 6 *Ann. c.* 11. was made for continuing one half-part of the Subſidies of Tonnage and Poundage, and other Duties upon Wines, Goods and Merchandizes, which were granted to the

Crown in the twelfth Year of the Reign of King *Charles* 2. for the Term of ninety-ſix Years. And by 6 *Ann. c.* 19. the other half-part of the ſaid Subſidies and Duties, (as by the Act 5 *Ann. c.* 27. were charged) are continued for a further time; together with the ſeveral Duties on Wine and Vinegar, upon Tobacco, and *Eaſt-India* Goods, wrought Silks, *&c.* And every Perſon who ſhall ſecretly or clandeſtinely import any wrought Silk mixed with Gold or Silver, or other Materials, and their Aſſiſtants, ſhall forfeit 200*l.* for every Offence, above the Penalties to which they are liable by former Laws; and the Perſons in whoſe Cuſtody ſuch Silk is found, or who offer it to Sale, knowing thereof, or that ſhall conceal the ſame to prevent the Forfeiture, ſhall over and above the Loſs of the Silk, be liable to the Penalty of 100*l.* to be recovered by Action of Debt, Bill or Information in any of the Courts of Record at *Weſtminſter*, a Moiety to the Queen, and the other to the Perſon ſuing. Alſo all ſuch Silks forfeited ſhall be ſold at the Cuſtom-houſe *London* by Inch of Candle, *&c.*

And for encouraging the Manufacture of Cordage in *Great Britain*, it is ordained, that foreign Cordage or Cable Yarn imported here, upon Exportation ſhall have no Allowance or Drawback of the Duties paid by this or any other Act whatſoever.

The Statute 7 *Ann. c.* 7 & 8. continues the half Subſidy granted by 6 *Ann. c.* 11. for ever, ſubject to Redemption; and the Duties on Coffee, Cocoa Nuts, Chocolate, Tea, Nutmegs, Cinnamon, Cloves, Mace, and Pictures, and upon Muſlins, White Callicoes, *China* Ware and

Drugs, are continued for ever. The Exportation of *Britiſh* Copper, and Braſs Wire made in *Britain*, ſhall be free and without any Duty: And Jeſuits Bark, *Sarſaparilla*, Balſam of *Tolu* and *Peru*, and all other Drugs of *America*, may be imported from any of the *Engliſh* Plantations in *America*, in any Ships regularly manned and navigated, as if they were directly imported from the Place of their Growth, paying the ſame Duty and no more.

By the 8 *Ann. c.* 4. an additional Duty is granted of 3*s. per* Ton, and 4*s.* 6*d.* a Chalder, for foreign Coals imported; and for Coals Water-born, carried from one Port of the Kingdom to another, 3*s. per* Chalder, and 2*s.* the Ton; for Culm Water-born 7*d.* and two tenths of a Penny *per* Chalder; and for Cinders Water-born 3*s.* to be paid for thirty-two Years, which Duties are continued for ever by ſubſequent Acts.

By 8 *Ann. cap.* 7. there ſhall be raiſed and paid for thirty-two Years, over and above all Duties and additional Duties already payable, the new Cuſtom Duties following, *viz.* For every Pound of Pepper, *Averdupois* Weight, imported, 1*s.* 6*d.* for every Hundred of Raiſins imported, 5*s.* for all Nutmegs, Cinnamon, Cloves and Mace imported, double as much as the ſame reſpectively pay by any Law now in force; and for every Pound of Snuff imported, not being of the Product or Manufacture of the *Engliſh* Plantations, 3*s.* which ſaid reſpective Duties ſhall be paid or ſecured in the manner herein after mentioned.

All Pepper imported ſhall upon Entry be forthwith carried to a Warehouſe, provided by

the Importer, and half the Duty ſhall be by him paid down, who may garble it as uſual; and ſo much thereof as is ſold to be ſpent in *Great Britain*, ſhall be delivered out of the Warehouſe by the Importer to the Buyer, he paying then the other half Duty; and ſuch Pepper as is to be exported, ſhall be delivered out of the Warehouſe to the Importer or Buyer, on giving Security to the Crown, to be taken by the Commiſſioners of the Cuſtoms, that it ſhall be exported, and not relanded in *Great Britain*: And no Drawback ſhall be paid. Importing Pepper into any Port, other than the Port of *London*, and not making Entries thereof, nor bringing it into the Warehouſe, ſhall be deemed a clandeſtine Running and unlawful Importation, and the Offenders ſhall loſe all the Pepper, and forfeit 100*l.*

The Importers of Raiſins, Nutmegs, Cinnamon, Cloves, Mace or Snuff, ſhall have a Year's time for Payment of the Duty, giving Security at the Cuſtom-houſe; and for prompt Payment ſhall be abated 10*l. per Cent.* and ſo proportionably of the aforeſaid Duty: And in caſe any Raiſins, Nutmegs, *&c.* or Snuff be again exported within eighteen Months by *Britiſh* Merchants, or within nine Months by Aliens, to be accounted from the time of the Entry of the Goods inwards, and due Proof thereof made on Oath, that 'tis the ſame for which the Duties have been paid; then the ſame Duties ſo paid ſhall without any Delay be wholly repaid out of any of the Duties on imported Commodities granted by this Act: And if Security be given for the ſaid Duties, it ſhall be vacated, upon a Debenture certified and ſworn unto.

If

If Raiſins, or any of the ſaid Spices or Snuff, be landed before due Entry at the Cuſtom-houſe, and before the Duties paid, or without a Warrant from the Collector, or other proper Officer, the ſame or the Value thereof ſhall be forfeited, and may be ſeized, or recovered of the Importer or Proprietor; one Moiety to the Crown, the other to ſuch Perſon who ſhall ſeize, inform or ſue for it. And any Perſon entering a Claim in the Court, where prohibited or uncuſtomed Goods are proſecuted and ſued for, muſt give Security in the Penalty of 30 *l.* to anſwer and pay the Coſts occaſioned by ſuch Claim; and in Default thereof the Goods ſhall be recovered.

The Statute 8 *Ann. c.* 9. enacts, that above all other Duties, there ſhall be paid for Wax-Candles imported, 4 *d.* for every Pound, and for all other Candles imported, one Half-penny *per* Pound: Likewiſe the ſame Duties for Candles made in *Great Britain*. Candles landed without Entry at the Cuſtom-houſe, *&c.* to be forfeited, and may be ſeized, *&c.* But Candles for which the Duties have been paid may be exported, and a Drawback ſhall be allowed of the ſaid Duties, the Perſon giving Security to the Cuſtomer or Collector, *&c.* that the ſame ſhall not be relanded in any part of *Great Britain*; and after the ſhipping ſuch Candles to be exported, and giving the ſaid Security, if any of them ſhall be relanded, then not only the Penalty of the Bond ſhall be levied, but alſo the Candles ſo relanded will be forfeited.

By the 8 *Ann. c.* 13. the Duties on Wines and Vinegar, Tobacco, *Eaſt-India* Goods, and the additional Duties, and Duty upon Whale-fins, *&c.* are further continued; and all theſe, with

the Duties on Candles, are continued for ever, by 9 *Ann. c.* 21.

All foreign Merchants, or *Britiſh* Merchants commiſſioned by them, ſhall have fifteen Months time from the Entry inwards of all Tobacco, Sugar, Ginger, Pepper, Bugles, Caſt and Bar Iron, Dying Wood, Dying Wares, and Drugs already imported, allowed them to export the ſame, and ſhall have the like Benefit and Drawback by ſuch Exportation, as if the ſaid Commodities had been exported within nine Months, according to former Laws; provided Certificates be taken forth and Oath made, and all other Requiſites performed.

If Tobacco, or any other foreign Goods, ſpecified in any Certificate (whereupon any Drawback is to be made, or Debenture for ſuch Drawback) ſhall not be actually exported, or ſhall be landed again in any part of *Great Britain*, ſuch Goods are forfeited; and Perſons relanding Certificate Goods, or aſſiſting therein, and otherwiſe concerned in the unſhipping, or to whoſe Hands the Goods ſhall knowingly come, ſhall forfeit double the Value of the Drawback, and the Veſſels, Horſes, and Carriages uſed in relanding it, *&c.* one Moiety to the Crown, and the other to the Party who will ſue at any time within five Years after the Offence committed.

No Debenture ſhall be made, nor any Drawback allowed for Tobacco exported in any Veſſel under the Burthen of 20 Tons. Debentures ſhall not be paid for any Tobacco exported from *Great Britain* to *Ireland*, until a Certificate ſhall be produced under the Hands and Seals of the Collector, Comptroller and Surveyor of the Cuſtoms

ſtoms there, or any two of them, where ſuch Goods ſhall be landed, teſtifying the landing thereof; which Certificate they ſhall give upon the Diſcharge of the ſaid Tobacco: And the Maſter of a Veſſel carrying ſuch Certificate Goods to *Ireland*, ſhall take from the Collector of the Port here, a Duplicate of his Content in Writing, certified under the Hand and Seal of the Collector and Comptroller, which he ſhall be obliged to deliver to the Cuſtom-Officers in *Ireland*, before he is permitted to land his Goods.

Any Officer of the Cuſtoms conniving or aſſiſting in any Fraud relating to Certificate Goods, forfeits his Office, and ſhall be impriſoned for ſix Months: A Maſter or other Perſon belonging to any Veſſel, aſſiſting or conniving at fraudulent landing ſuch Goods, ſhall ſuffer ſix Months Impriſonment. And Officers of Cuſtoms imbezilling any Goods lodged in any Warehouſe in their Cuſtody, ſhall forfeit double the Value to the Party grieved, with full Coſts.

The Fees of Cuſtom-Officers, in the Port of *London* and other Ports of *Great Britain*, granted and allowed by the Act 12 *Car.* 2. or by any Acts ſince made touching the ſame, and which may be lawfully taken for any Cockets, Certificates, Entries, Clearings, Bonds, Debentures, Sufferances, Tranſires, Let-paſſes, Warrants, *&c.* ſhall continue and be paid till altered by Parliament.

By the Statute 9 *Ann. c.* 6. it is enacted, that ſo much of the Subſidy of Poundage and other Duties (firſt granted by the *Stat.* 12 *Car.* 2.) on ſeveral Goods and Merchandizes exported, as had Continuance until the firſt of *Auguſt* 1710.

ſhall be revived, and paid during the Term of * thirty-two Years; except where the Duties for Goods exported have been taken away or diminiſhed by Act of Parliament. And any Perſons, Natives or Foreigners, may export all ſorts of Leather, tanned, tawed or dreſſed, paying the Duty of 12*d.* for every hundred Weight, for the Term aforeſaid.

All Coals of *Wales*, or of the Weſt of *England*, which ſhall be exported to *Ireland*, or the *Iſle of Man*, ſhall pay 1*s.* *per* Chalder; and every Chalder that ſhall be ſhipped for Exportation to any of the Plantations, 2*s.* and every Chalder, *Newcaſtle* Meaſure, ſhipped in foreign Bottoms to be exported, 12*s.* and in *Engliſh* Ships 3*s.* the Chalder: And Coals ſold by Weight, thus exported to *Ireland*, &c. 8*d.* *per* Ton, to the Plantations 1*s.* 4*d.* a Ton, and to any other Parts, to pay by the Ton one third of the Rates charged thereon, in caſe they were ſhipped by *Newcaſtle* Meaſure.

There ſhall be good Security given to the Cuſtom-Officers, where Coals are ſhipped for *Ireland*, the *Iſle of Man*, or the Plantations, that they ſhall be landed there, (Dangers of the Sea excepted) and if the Ship or Veſſel depart without ſuch Security given, the ſame and all the Coals, or the Value, ſhall be forfeited. And no Duties ſhall be charged upon the Exportation of Coals to the Plantations, nor for Coals exported in foreign Bottoms, or for any Coals whatſoever, other than the Duties impoſed by this Act.

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* The ſeveral Duties revived and granted by theſe Acts are continued for ever, by 3 *Geo.* 1. *c.* 7.

Alſo

Alſo a further Duty is granted on all Coals imported from foreign Parts, and Water-born, *&c.* being two thirds of the Duty granted by 8 *Ann. c.* 4. But Coals carried from *Sterling* to *Dunbar* or *Redhead*, are not chargeable: And all Coals uſed for melting Copper and Tin Ores in *Cornwal* or *Devonſhire*, for which the Duties have been paid, ſhall on Proof made upon Oath before the Cuſtom-Officer, have a Drawback for all the ſaid Duties to be paid by the Collector.

The further like Duties on Wax and Tallow Candles imported, are granted by this Statute as by the Act 8 *Ann. c.* 9. Long Pepper ſhall not be charged with the Duty of 1*s.* 6*d. per* Pound, by Virtue of the Statute 8 *Ann. c.* 7. Forty Ells of Linen Cloth exported ſhall pay only 6*d.* and ſo proportionably.

By the 9 *Ann. c.* 11. for thirty-two Years, there ſhall be paid for all Skins and Hides imported, the Duties following, *viz.* For all Deer Skins, dreſſed in Oil or Allom, or otherwiſe perfectly dreſſed and imported, 6*d. per* Pound. For all Loſhee, Buffalo, Elke, or any other Hides dreſſed in Oil, 4*d.* the Pound. For *Ruſſia* Hides imported, 2*d. per* Pound; and for tanned Hides and Calve-Skins, a Penny Half-penny *per* Pound. For all Slink Calf-Skins imported, and dreſſed in Allom and Salt, or otherwiſe, with the Hair on, 1*d. per* Pound; if without the Hair, a Half-penny; and the like Half-penny the Pound for all Dog-Skins. For Goat-Skins, not uſually called Cordivants, imported, 6*d. per* Pound: And for Cordivants, 4*s. per* Dozen.

For every Horſe, Mare or Gelding's Hide imported, dreſſed in Allom and Salt, or Meal, or other-

otherwise tawed, 1*s*. For Hides of Steers, Cows or any other Hides imported, and alike dressed, 2*s*. *per* Hide. For all Kid-Skins imported, dressed or undressed, 1*s*. *per* Dozen. For Sheep-Skins imported and dressed in Oil, 1*s*. 6*d*. the Dozen, and for Lamb-Skins dressed in Oil, 1*s*. and for all such Skins dressed in Allom, Salt or Meal, or tawed, 6*d*. *per* Dozen. And for all Hides and Skins, and Pieces imported, tanned or dressed, not before charged, and all Wares made into Manufacture of Leather, or whereof the greatest part is such, a Duty of 15*l*. for every 100*l*. of the real Value, to be paid by the Importer. And all Vellom and Parchment imported or made in *England*, shall pay 1*s*. *per* Dozen for Vellom, and 6*d*. for Parchment.

The Duties on Hides and Skins, Vellom and Parchment imported, are to be paid by the Importer in ready Money before the landing thereof; and if they are landed before due Entry made, or before the Duty is paid, or without a Warrant for landing them, the same shall be forfeited. These Custom Duties shall be raised by such Rules and Methods, and under such Penalties and Forfeitures, as the Subsidies upon Poundage Goods imported: And when the Duty is paid on Skins imported, the Officer of the Customs shall mark them, to shew the same. And where any Hides or Leather Manufactures are exported into foreign Parts, upon Security given that they shall not be relanded in *England*, the Customer, &c. is to give the Exporter a Certificate of the Kinds, Quantities and Weight, on producing whereof to the Collector of the Duties, he shall repay two thirds of the Duties, which were before charged for the said Hides,

&c.

*&c.* and if the Goods are relanded, they are forfeited, with treble the Value.

By 9 *Ann. c.* 12. is granted a Duty on all Hops imported in *England*, over and above other Cuſtoms and Duties impoſed, of 3*d. per* Pound, to be paid before landing; and for Hops growing in *Great Britain*, 1 *d.* the Pound. The Duties on imported Hops ſhall be under the Management of the Commiſſioners of the Cuſtoms in *England* and *Scotland* reſpectively: Hops imported ſhall not be taken out of foreign Bags, and rebagged in *Britiſh* Bagging, in order to be exported, under the Penalty of 10*l. per* hundred Weight; and any Perſon fraudulently uſing the ſame Bag twice or oftner with the Officer's Mark, ſhall forfeit 40*l.*

*Britiſh* Hops, for which the Duty hath been paid, may be exported to *Ireland*, giving the uſual Security not to reland them, *&c.* whereupon the Duty ſhall be repaid: But no Duties granted on Hops (except of *Britiſh* Growth) ſhall be drawn back on Exportation; and *Flanders* Hops, or any other (beſides *Britiſh* Hops) ſhall not be imported into *Ireland*, upon pain of forfeiting all the Hops, and the Ship and Tackle, *&c.* The Importation of any foreign Hops into *Ireland* is a common Nuſance.

The 9 *Ann. c.* 23. enacts, that there ſhall be paid for thirty-two Years, for every Pack of Cards 6*d.* and for every Pair of Dice 5*s.* to be paid by the Makers or Importers thereof reſpectively: And the Duties upon ſuch Cards and Dice * imported,

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* Cards and Dice prohibited to be imported, *vide* 10 *Ann. c.* 19.

ſhall

ſhall be levied and brought into the Exchequer, in ſuch Manner and under the Penalties, as any other Cuſtoms or Duties on Subſidy Goods inwards, are by any Laws in Force to be levied and brought into the ſaid Exchequer.

By the Statute 10 *Ann. c.* 19. a Duty is granted upon all Sope imported, 2 *d. per* Pound, above all Duties already impoſed, to be paid by the Importer before the landing; and upon all Sope made in *Great Britain*, 1 *d.* a Pound, to be paid by the Maker. And any Perſon who hath paid the Duties on Sope, or who ſhall buy it of ſuch Perſon, may export the ſame, on giving Security before it is ſhipped, that it ſhall be exported, *&c.* and then the Collector appointed to receive theſe Duties in the Place where the Sope ſhall be exported, ſhall forthwith pay the Duties which have been received to the Exporter, he producing a Debenture, as required, and Certificate thereon of the Exportation.

By this Act, all Paper called Atlas Fine imported, ſhall pay 16 *s. per* Ream, Atlas Ordinary, 8 *s.* Imperial Fine Paper, 16 *s.* Super Royal Fine, 16 *s.* Royal Fine, 8 *s.* Medium Fine, 6 *s.* Demy Fine, 4 *s.* Demy Second, 2 *s.* 6 *d.* Demy Printing, 1 *s.* 8 *d.* Fine *Holland* Royal, 3 *s.* 3 *d.* Fine *Holland* Second, 2 *s.* Blue Royal, 2 *s.* Painted Paper, 8 *s.* Cartridge Paper, 1 *s.* 6 *d.* Elephant Fine, 8 *s.* Ordinary Elephant, 3 *s.* 3 *d.* Fine large Poſt, 2 *s.* 6 *d.* Fine Fools Cap, 2 *s.* 6 *d.* Baſtard or Double Copy, 2 *s.* Chancery Double, 2 *s.* Superfine Pot, 2 *s.* Second Fine Pot, 1 *s.* 6 *d.* *Genou* Royal, 3 *s.* 3 *d.* *Genoa* Medium, 2 *s.* 6 *d.* *Genoa* Demy Fine, 2 *s.* *Genoa* Demy Second, 1 *s.* 6 *d.* *Genoa* Crown Fine, 1 *s.* 6 *d.* *Genoa* Crown Second, 1 *s.* *Genoa* Fools Cap Fine, 1 *s.* 6 *d.*

1*s.* 6*d.* *German* Lombard, 1*s.* *German* Demy, 1*s.* 6*d.* *German* Crown, 1*s.* and *German* Fools Cap, 1*s.* a Ream.

White and brown Paper, or of any other colour or kind imported, and not before charged, to pay after the Rate of 20*l.* for every 100*l.* of the true and real Value. All Paſtboards, Mildboards, and Scaleboards that ſhall be imported, 5*s.* for every hundred Weight. And all * Books, Prints and Maps imported, 30*l.* *per Cent. ad valorem*, over and above the Duties already granted; all which Duties of Paper, and Paſtboard, *&c.* and of Books, *&c.* ſhall be paid by the Importer, in ready Money on the Entries made, and before the landing thereof. The Cuſtom-Officers ſhall levy the Duties payable *ad valorem*, upon the Oath of the Importer or Merchant; and if any Paper, *&c.* ſhall be landed before Entry, or the Duties paid, it ſhall be forfeited, or the Value, and may be ſeized and recovered in any Court at *Weſtminſter*; one Moiety to the Crown, the other to him who will ſue for the ſame. Alſo Duties are granted by this Statute on all Paper made in *Great Britain.*

All chequered and ſtriped Linens, and Linens printed, painted, ſtained or dyed in any foreign Parts, and imported here, ſhall pay a Duty after the Rate of 15*l.* for every 100*l.* of the true Value thereof, to be paid by the Importer: And a certain Duty of ſo much *per* Yard upon

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* Repealed as to Books and Prints by 12 *Ann. c.* 5. The Duties on Sope, Paper, ſtriped Linens, Leather, Starch, Coffee, *&c.* continued for ever, 3 *Geo.* 1. *c.* 7.

all

all Silks, painted and printed Callicoes, Linens, *&c.* made in *England*, is granted. After the Duty is paid to the Commissioners or Officers of the Customs where Linen shall be imported, they shall cause every Piece to be marked or stamped with a distinct Seal or Mark, to denote the Payment of the said Duty: And upon Oath made by a credible Person, that he hath reason to suspect some of these Goods, for which a Duty ought to be paid, are in the Possession of a Dealer or Trader for Sale, without being markt or stampt, the Commissioners for these Duties, *&c.* may by Warrant give Power to any Officer to search for and seize the same.

By the 10 *Ann. c.* 26. new additional Duties are granted on Leather Hides and Skins, *&c.* imported and tanned in *Great Britain*; and upon all Vellom and Parchment imported, *&c.* And all Hides and Calve-Skins, either rough or dressed and curried, shall be intitled to a Drawback upon Exportation, of 1 *d. per* Pound, as they shall weigh at the Custom-house.

There shall be paid, over and above the Duties already payable, for all Starch imported, 2 *s. per* Pound *Averdupois*, consisting of sixteen Ounces, to be paid in ready Money by the Importer; and for Starch made in *Great Britain*, 1 *d. per* Pound. The Duty on imported Starch shall be raised by such Rules, and under such Penalties, and with such Allowances, as the Duties on Sope imported, by the preceding Act. And Starch which hath paid the Duty may be exported, upon Security given to export the same, and that it shall not be relanded, *&c.* whereupon the Collector is to repay the Duty to the Person or Agent so exporting, *&c.*

And

And there ſhall be paid for all Coffee, Tea and Drugs, (except dying Drugs imported from foreign Parts, and Turpentine from the *Britiſh* Plantations) over and above all other Duties, *viz.* for Coffee imported, 12*d. per* Pound; for Tea imported from any Place within the Limits of the Charter of the *Eaſt-India* Company, 2*s.* a Pound; and from any other Place, 5*s.* And for Drugs imported, a Duty of 20*l. per Cent. ad valorem*: The Value of the Drugs to be aſcertained according to the groſs Valuation thereof in the Book of Rates, without any Abatement; or by the Price upon Sale at the Candle, or on the Oath of the Merchant or Importer, *&c.*

Coffee and Tea imported as aforeſaid, ſhall upon Entry thereof be put into a Warehouſe, to be approved by the Commiſſioners of the Cuſtoms, and ſo much of the Duty as would not be drawn back on Exportation by any former Laws, ſhall be paid down in ready Money by the Importer, *&c.* And all the Duties, excepting what is ſo paid in ready Money, for Coffee and Tea delivered out of the Warehouſe to be ſpent in *Great Britain*, ſhall be paid upon the delivering it out; but if delivered to be exported, it ſhall be diſcharged, and from thenceforth no Drawback or Allowance is to be paid or made for the Exportation of ſuch Coffee, *&c.* by this Act.

The importing any Coffee or Tea without making due Entry, and not bringing it to the Warehouſe, is a clandeſtine and unlawful importing; and incurs a Forfeiture of all the Coffee and Tea, and the Sum of 500*l.* one Moiety to the Crown, and the other with full Coſts to the Party who ſhall ſeize or ſue for it. But if any

Importer

Importer shall pay down all the Duty for such Coffee, &c. he shall not be obliged to secure the same in such Warehouse.

At the Request of the Importers or Buyers of Pepper, the Commissioners of the Customs shall cause all Stones, Dirt and other Trash, remaining in the Warehouses, upon garbling and cleaning thereof, to be destroyed; and they may do the same with Stones or Trash that shall be found amongst Coffee; and the Warehouse-keepers shall be discharged in their Books of so much Pepper or Coffee as is so destroyed.

There shall be paid by this Act, above all Duties already payable, for gilt Wire imported, 1*s.* for every Ounce Troy; and for all Silver Wire imported, 9*d. per* Ounce, to be paid in ready Money by the Importer before landing, &c. The said Duties on Wire imported shall be levied by the same Ways, and under the same Penalties as the Duties upon Sope and Starch: And during the Continuance of these Duties, no Gold or Silver Thread, Lace, Fringe or other Work made thereof, shall be imported or brought into *Great Britain*, under the Penalty of 100*l.* to be paid by the Importer for every Parcel imported.

On the Exportation of Gold or Silver Thread, Gold or Silver Lace, or Fringe made of Plate-Wire spun upon Silk, and on Debenture from the Customer, the Collector, &c. shall allow a Drawback.

By the Statute 12 *Ann. Sess.* 2. *c.* 8. an Allowance of eight Pounds *per Cent.* shall be made to Merchants at the Importation of all Tobacco out of the Duties payable, instead of the former Allowances, and which shall not be deducted on Exportation.

Exportation. And all the Duties on Tobacco ſhall be due and payable at the End of eighteen Months, to commence thirty Days after the Maſter's Report of the Ship, or from the Merchant's Entry of the Goods within that time, which ſhall firſt happen.

If the Importer upon Entry made, ſhall pay ready Money for all, or any part of the Duties, within the ſaid thirty Days, or within any time of the firſt fifteen Months, he ſhall in lieu of all other Diſcounts for prompt Payment have ten Pounds *per Cent. per Annum* for the fifteen Months, or proportionably for ſo many entire Months as ſhall remain unexpired; but not to be allowed any Diſcount after the End of the ſaid fifteen Months, nor for a leſs time than one Month: And if Bonds for Payment of the Duties ſhall be paid ſooner than in fifteen Months, the Importer or Proprietor ſhall have a Diſcount in Proportion.

This Act ſhall not take away the 8 *l. per Cent.* allowed for Waſte and Shrinkage, nor the 5 *l.* in the hundred out of the ſeveral Subſidies and additional Duties. But no Merchant ſhall have any Allowance or Abatement for any damaged or unmerchantable Tobacco; and refuſing to pay the Duties for it, the ſame is to be ſeparated and burnt, *&c.* and then the Owner ſhall be allowed twenty-five Pounds Weight of Tobacco, free of all Duties, for every hundred Weight of ſuch damaged Tobacco ſo deſtroyed, as a Compenſation for Freight and other Charges, to be by Certificate, *&c.* And the Tobacco in ſuch Certificate ſhall not be placed to the Merchant's Export Account, if it doth not exceed certain Quantities, for any one Hogſhead, *&c.*

On paying down the Subsidy of one Penny *per* Pound, payable by the Act 12 *Car.* 2. Tobacco may be warehoused under the Queen and Merchant's Locks, for Security of the Remainder of the Duties; which Warehouses shall be provided by and at the Charge of the Merchants, but be first approved by the Commissioners or principal Officers of the Customs; and the Merchant is to give his own Bond to pay the rest of the said Duties at fifteen Months End, or in that time shall give good Security to pay the same at the End of eighteen Months; and if he shall not do it, or by Debentures on Exportation, or Payment of the Duties, discharge his Obligations, but that the Tobacco shall continue in the Warehouses, then the Commissioners of the Customs, *&c.* may sell such Tobacco by Inch of Candle, on giving fourteen Days Notice to the Proprietor, and the Product shall be applied towards paying the Customs, and the Charges expended thereon, and the Overplus rendred to the Proprietor. And if the Tobacco so put in Warehouses shall be burnt or destroyed by Fire, the Proprietors thereof are to be allowed the Duties paid, and the Bond shall be discharged.

And by this Act the Commissioners of the Customs, in all other Cases where any Goods are brought into her Majesty's Warehouses, for securing the Customs, *&c.* shall, as soon as conveniently they can, cause all the Goods so brought in, and which shall have remained there twelve Months, the Duties not being paid, compounded for, or secured, to be publickly sold by Auction or Inch of Candle, and the Produce is to be applied to the Payment of the Freight, Primage, and Charge of Warehouse Room, and other

Charges, next the Cuſtoms and Duties, and then the Overplus to be paid to the Proprietor, *&c.*

By the 12 *Ann. Seſſ.* 2. *c.* 9. additional Duties ſhall be paid for Sope and Paper, *&c.* imported, one half as much as the Duties granted by 10 *Ann. c.* 19. And the like Duty on Starch imported, *&c.* as *per* 10 *Ann. c.* 26. And for all chequered and ſtriped Linens, and Linens printed, after the Manufacture thereof, or in the Thread or Yarn before manufactured, (except Buckrams, Lawns, Canvas, Barras and *Sileſia* Neckcloths) imported into *Great Britain*, and which may be lawfully worn here, a Duty of 15*l. per Cent. ad valorem*, to be paid by the Importer: And for Coals exported in foreign Bottoms, 5*s. per* Chalder, and in *Britiſh* Bottoms, 3*s. per* Chalder, over and above the preſent Duties; Coals exported to *Ireland*, the *Iſle of Man*, or the Plantations excepted.

All Perſons exporting any Silks, Callicoes or Linens that are printed, painted, ſtained or dyed, for which a Drawback is to be allowed, ſhall before their ſhipping give Notice to the proper Officer, when and where they will pack the ſaid Goods; who is to take Care that the Seals be taken off from every Piece ſo intended to be exported, and take an Account of the Kinds and Quantities of ſuch Goods, and alſo make a Return thereof to that Officer who ſhall be appointed to receive the ſame; and this he ſhall do without Fee.

And Allowance ſhall be made of the whole Duty charged by this Act upon all Sope ſpent in making Cloths, Serges, *&c.* or any other Manufactures of Sheeps or Lambs Wool only, or whereof the greateſt part ſhall be Wool, or for

preparing the Wool for the ſame, or in whitening new Linen in the Piece, on the Oath of the Worker, *&c.* And further Allowances are to be made on the Exportation of tanned Leather manufactured; and a Drawback of two thirds of the Duty on exporting Sheep-Skins or Lamb-Skins, tanned, tawed or dreſſed.

By 12 *Ann. Seſſ.* 1. *c.* 16. it is enacted, that over and above all Subſidies and Duties already impoſed upon foreign made Sails, and Sail-Cloth, or Canvas uſually entered as *Holland*'s Ducks, *&c.* which ſhall be imported here by way of Merchandize, (except ſuch Canvas which is of the Product and Manufacture of *Ireland)* there ſhall be paid to the Crown a farther Duty of 1*d. per* Ell, and ſo in proportion, to be levied and collected, *&c.* in ſuch manner as any other Subſidy for Goods and Merchandize imported.

And out of the ſaid Duty ſhall be given a Reward or Encouragement of 1*d.* an Ell, for all Sailcloth or Canvas made in *Great Britain* fit for Sails, which ſhall be exported; ſo as Oath be made thereof, and that it is not intended to be relanded, *&c.* And in caſe it be relanded, it ſhall be forfeited, and 2*s. per* Ell by the Perſons concerned therein, one Moiety to the Queen, the other to him who ſhall ſeize, inform or ſue for the ſame.

CHAP.

# CHAP. XVIII.

## *Of Cuſtoms and Cuſtom-Duties, by late Statutes.*

THE Statute 1 *Geo.* 1. *c.* 12. enacts, that the half-part of the Subſidies upon all Wines, Goods and Merchandize, which was continued by 6 *Ann. c.* 11. the one third Subſidy of Tonnage and Poundage, and other Duties, granted by 4 *Ann. c.* 6. the Duties on low Wines, *&c.* and on Hops charged by the 9 *Ann. c.* 12. ſhall be continued and paid to his Majeſty, his Heirs and Succeſſors for ever. And the Monies ariſing by the ſaid Subſidies and Duties ſhall be brought into the *Exchequer*, and with all ſurplus Money, *&c.* ſhall be one general or aggregate Fund, for ſatisfying and paying divers national Debts, *&c.* but redeemable by Parliament.

All the Powers, *&c.* for ſecuring the Duties, or for encouraging the Exportation of * *Britiſh* Hops for *Ireland* in the ſaid Act of 9 *Ann. c.* 12. are hereby revived and continued for ever; and the Maſter of every Ship carrying Hops to *Ireland*, ſhall take from the Collector of the Port in *Great Britain*, where he ſhall lade any Hops, a Duplicate of his Content in Writing, of all the Hops laden on board his Ship, before he be

* The Drawback on *Britiſh* Hops exported for *Ireland*, is taken off by 6 *Geo.* 1. *c.* 11.

permitted to sail, under the Hand and Seal of such Collector, &c. Which Duplicate the said Master shall deliver on Oath to the Officer of the Customs in *Ireland* at the Port where he shall arrive, before the landing any Hops; and if they shall be landed there without such Duplicate produced, all such Hops are liable to Forfeiture, and 10*s.* for every Pound Weight thereof.

By the 1 *Geo.* 1. *c.* 43. such and the like Rates, Duties and Impositions as were granted by the Act 18 *Car.* 2. *c.* 5. and which by several subsequent Acts were revived and continued, upon the Importation of Wines, Vinegar, Cyder, Beer, Brandy and strong Waters, are farther continued; and all the said former and other Acts concerning Coinage, and every Clause, &c. in them contained, shall continue and be put in Execution, as fully as if they were repeated in this Act.

And it is declared, that all *Senna* imported into *Great Britain* shall be subject to the Payment of the Duties charged in the Book of Rates, annexed to the Act of Tonnage and Poundage, 12 *Car.* 2. *c.* 4. and several other Acts for continuing and increasing the same; so as to pay as a medicinal Drug, and not to be within the Exemption in the said Statutes for Drugs used in dying: And all Merchants, &c. shall make a just Entry thereof at the Custom-House, under the Penalty of 40*l.* But in case of Exportation of it, within three Months after Entry made, the Duties payable by this Statute shall be discharged or repaid.

By 1 *Geo.* 1. *c.* 46. the cutting of Wallnut-Tree-Leaves, Hop-Leaves, Sycamore-Leaves, or any other Leaves, Herbs, &c. in Imitation of Tobacco; or colouring any such Leaves, &c. to make them resemble it, incurs a Forfeiture of 5*s.*

for

for every Pound Weight thereof, mixed with any Tobacco: And all Perſons who ſhall export any ſuch Leaves, *&c.* or endeavour to obtain a Drawback for the ſame, as if it were Tobacco which had paid the Duties, ſhall alſo forfeit 5*s.* for every Pound, and ſo proportionably for a greater or leſſer Quantity, over and above all other Penalties; one Moiety to his Majeſty (he bearing the Charge of Proſecution) and the other to the Informer, to be recovered by Action of Debt, *&c.* And all Leaves, Herbs and Plants, *&c.* ſo cut, coloured, cured or manufactured, and all Engines, Utenſils and Tools made uſe of therein, or prepared for ſuch Uſe, may be ſearched for and ſeized by any Officer of the Cuſtoms.

By the Statute 3 *Geo.* 1. *c.* 4. Inhabitants of *Jerſey*, *Guernſey*, *Sark* and *Alderney*, may import here any Goods and Merchandizes of the Growth and Manufacture of the ſaid Iſlands, (upon Certificate from the Governors, *&c.* and Oath made thereof) without paying any Cuſtoms or Duties; except ſuch Duty as ſhall be paid for the like Goods of the Growth, *&c.* of *Great Britain.* But nothing in this Act ſhall exempt any Goods of the Growth or Manufacture of any foreign Country, which may be lawfully imported into the ſaid Iſlands, or ſuch foreign Goods, *&c.* as ſhall be in part or fully manufactured there, from Payment of ſuch Cuſtoms on the Importation thereof in *Great Britain*, as ſhall be payable for Goods of the ſame kind imported into this Kingdom, from that foreign Country of which they are the Growth or Product.

All Hair Powder made of Starch, and other Powder that will ſerve for the ſame Uſes as Starch, ſhall on Importation pay the ſame or like

Duties as foreign Starch imported is liable to; and ſuch Powder ſo imported ſhall be intitled to the like Drawback on Exportation, and be collected with ſuch Allowances, and under ſuch Penalties, *&c.* as is directed by the Laws in force relating to the Duties on Starch.

By the 3 *Geo.* 1. *c.* 7 & 21. it ſhall be lawful for all Perſons to import Linſeed, without paying any Cuſtom or Duty for the ſame: And any Perſon may export to Parts beyond the Seas, all ſorts of Linen Cloth of *Britiſh* Manufacture, which ſhall be made of Flax or Hemp, whether fine or coarſe, free of all Duties payable to the King. And all Drawbacks, Allowances and Abatements, granted by any Acts now in force, upon or out of any Duties, on Goods or Merchandizes imported or exported, ſhall be continued until the Duties on which ſuch Drawbacks, *&c.* are granted or enacted to be made, ſhall ceaſe and determine. All Linen made in *Ireland*, and imported here, may be ſhipped off again, and exported for any of his Majeſty's Plantations in *America*, without paying any Duty whatſoever.

By the Statute 5 *Geo.* 1. *c.* 9. reciting the former Acts 9 & 10 *Ann.* and 1 *Geo.* 1. granting ſeveral Duties on Coals, *&c.* for building fifty new Churches in and about *London* and *Weſtminſter*, and for repairing the Church of St. *Peter Weſtminſter*, &c. and making Proviſion for the Miniſters, it is enacted, that for all ſorts of Coals and Culm which ſhall be imported into the Port of *London*, or the River of *Thames* within the Liberty of that City, there ſhall be paid over and above all other Duties, 3*s.* *per* Chalder, and 3*s.* *per* Ton: The ſaid Duties for

Coals

Coals and Culm ſo imported, to be under the Management of the Commiſſioners of the Cuſtoms; and ſhall be raiſed in ſuch manner, *&c.* as mentioned in any Act in force, for raiſing, *&c.* any other Duties on Coals and Culm imported Coaſt-wiſe into the ſaid Port. This Act ſhall not be conſtrued to charge or lay any Duty upon ſuch Coals (not exceeding an hundred Chalders by the Year) as ſhall be brought into the Port of *London* for the Uſe of *Chelſea* Hoſpital.

By the 5 *Geo.* 1. *c.* 11. againſt clandeſtine running of uncuſtomed Goods, and for the more effectual preventing of Frauds relating to the Cuſtoms; if any foreign Brandy, Arrack, Rum, Strong Waters or Spirits ſhall be imported into *Great Britain*, in any Veſſel under fifteen Tons, (except only one Gallon for each Seaman) every ſuch Veſſel, with all her Tackle, *&c.* or the Value thereof, ſhall be forfeited, and may be ſeized by any Officer of the Cuſtoms; and after Seizure and Condemnation ſhall be broken up, and the Materials ſold, *&c.* And if any Rum be imported in any Caſk not containing twenty Gallons, (except for the Seamen's Uſe) the ſame or the Value to be forfeited; unleſs it appear to be without Fraud or Concealment, when ſuch Rum may be admitted to an Entry, and the Duties accepted.

In caſe any foreign Goods or Merchandizes ſhall by any Collier, Fiſher-boat or other coaſting Veſſel be taken in at Sea, or out of any Veſſel, to be landed or put into any other Ship, *&c.* without Payment of the Cuſtoms, (if it be not in a caſe of neceſſity, of which Notice is to be given and Proof made) ſuch Goods, *&c.* ſhall be forfeited; and the Maſter of the Collier, *&c.*

and

and Maſter or other Perſon taking Charge of the Ship, out of which the Goods ſhall be taken in at Sea, ſhall alſo forfeit treble the Value of ſuch Goods ſo unſhipped; one Moiety to the King, the other to the Informer or Proſecutor. And all Goods in Ships not reported, and found after clearing the Ships by the proper Officer of the Cuſtoms, ſhall be liable to Forfeiture, and may be ſeized.

If any Goods prohibited to be worn here, and foreign Merchandizes ſhipped out for Parts beyond the Seas, ſhall be unſhipped or put on Shore, (unleſs in caſe of Diſtreſs, or in the Preſence of a Cuſtom-Officer) they ſhall be forfeited; and if the Maſter, *&c.* of any Ship wherein the ſaid Goods are laden, ſuffer them to be landed, he ſhall forfeit the Value thereof; and the Perſon to whoſe Hands the Goods ſhall come, knowing the ſame to be ſo unſhipped, ſhall forfeit double the Value of the ſaid Goods, if he do not make Diſcovery of it to the chief Officers of the Cuſtoms in ſix Days. And if the Package of any ſuch Goods ſhall with the Privity of the Maſter, *&c.* be opened on board any Ship, or put into other Form, while the Ship remains in Port, without Leave of the principal Officers of the Port, the Maſter, *&c.* ſhall forfeit 100*l.*

Where any Veſſel of fifty Tons, or under, laden with cuſtomable or prohibited Goods, ſhall be found hovering on the Coaſts, within the Limits of any Port, and not proceeding on her Voyage for foreign Parts, Wind and Weather permitting, any Officer of the Cuſtoms may go on board, and take an Account of the Lading, and demand Security of the Maſter, by Bond with Condition, that ſuch Veſſel ſhall proceed regularly

larly in her Voyage, and land the Goods in ſome foreign Port; and if ſuch Maſter, *&c.* ſhall refuſe to enter into ſuch Bond, or not proceed on the Voyage, then all the foreign Goods on board the Veſſel may by any Officer of the Cuſtoms, by Direction of the Collector, be taken out of the ſaid Ship, and brought on ſhore and ſecured; and if ſuch Goods are cuſtomable, the Cuſtoms ſhall be paid, and Wool or any other Goods prohibited are ſubject to Forfeiture.

And after ſuch Goods are brought on ſhore, the Bonds ſo to be given ſhall be void and delivered up; and ſuch Bonds, not being otherwiſe diſcharged, ſhall on a Certificate under the Seal of the chief Magiſtrate in any Place beyond the Seas, or under the Hands of two known *Britiſh* Merchants upon the Place, that the ſaid Goods were landed there; or on Proof by two Witneſſes, that they were taken by Enemies, or periſhed in the Seas, be vacated and diſcharged.

All Goods, *&c.* which ſhall be ſalved out of any Ship, forced on ſhore or ſtranded, (not being wreck'd Goods, or *Flotſam*, *Jetſam* or *Lagan*) ſhall after Salvage and other Charges paid, be liable to the like Cuſtoms, *&c.* as ſuch Goods would be ſubject to, in caſe they were regularly imported. No Coffee ſhall be exported, but ſuch as ſhall be contained in the original Bale, or in ſome Bale containing the ſame Quantity, or not leſs than four hundred Weight, and having the ſame Marks and Numbers thereon with which it was entered; except only ſuch Coffee as ſhall be tranſported to the Plantations or *Ireland*.

No wrought Silks, Bengals and Stuffs, nor Muſlins and Callicoes of the Manufacture of *Perſia*, *China* or *Eaſt-India*, ſhall be imported into *Ireland*

*Ireland* from any Place, other than *Great Britain*, on Forfeiture of the Goods, or Value thereof, and alſo of the Ship importing the ſame, with all her Tackle, *&c.* And Officers of the Cuſtoms in *Ireland* conniving at the fraudulent Importation of ſuch Goods, ſhall forfeit 500*l.* All Wool, Wool-fells, *&c.* or any Drapery, Stuffs or woollen Manufactures whatſoever, which ſhall be brought and laid on ſhore near the Sea, or any navigable River, with Intent to be exported out of *Ireland*, contrary to the Act 10 *W.* 3. *c.* 10. ſhall be forfeited; and the Offenders liable to the like Penalties and Forfeitures, *&c.* as Perſons by that Act are ſubject unto. And the Proviſion by Statute for preventing the Exportation of Wool, ſhall extend to Wool-fells, Mortlings, Yarn, Wool-flocks, Fullers-Earth, *&c.* carried Coaſtwiſe.

If any Silks, Callicoes, Linens or Stuffs, printed or painted, *&c.* in *Great Britain*, ſhall be found on Land or Water, without a Mark denoting that the Duties have been paid, except on board Ships for Exportation, the ſame ſhall be forfeited, and may be ſeized by any Officer of the Cuſtoms or Exciſe; and the Perſon in whoſe Cuſtody they ſhall be found ſhall forfeit 50*l.* one Moiety to the King, the other to the Seizor or Proſecutor in any Court of Record at *Weſtminſter*.

In caſe any Officer of the Revenue ſhall make any colluſive Seizure of foreign Goods, to the Intent the ſame may eſcape Payment of the Duties, he ſhall not only forfeit 500*l.* but be incapable of holding any Office under his Majeſty, *&c.* And the Importer and Owner ſhall forfeit treble the Value of the Goods ſo colluſively

ſeized:

ſeized: But if the Officer, or Importer and Owner ſhall diſcover ſuch Offence to the Commiſſioners of the Cuſtoms, within two Months after committed, ſo as his Accomplices be convicted thereof, he ſhall be acquitted.

By 5 *Geo.* 1. *c.* 18. for Encouragement of the Fiſhing Trade, the following Rates ſhall be allowed for all Fiſh hereafter mentioned, as ſhall be exported from *Great Britain* to Places beyond Sea, *viz.* for every Caſk of Pilchards, containing fifty Gallons, 7*s.* For every hundred of Cod-fiſh, Ling or Hake, in Length 14 Inches, from the Bone in the Fin to the third Joint in the Tail, 5*s.* For every hundred of dried Cod-fiſh, Ling or Hake, called Haberdine, 3*s.* For every Barrel of wet Codfiſh, *&c.* being thirty-two Gallons, 2*s.* For every Barrel of Salmon, forty-two Gallons, 5*s.* 6*d.* For every Barrel of White Herrings, thirty-two Gallons, 2*s.* 8*d.* For every Barrel of full Red Herrings, of the ſame Contents, 1*s.* 9*d.* For every Barrel of clean ſhotten Herrings, 1*s.* For every Laſt of dried Red Sprats, 1*s.* And ſo in Proportion for a greater or leſſer Quantity.

All which Allowances ſhall be paid by the Collector of the Duties on Salt in the Port from whence ſuch Fiſh ſhall be exported, on a Debenture made by the Collector of the Cuſtoms where the ſaid Fiſh ſhall be entered, and verified by the Searcher as to the Quantity; and upon the Oath of the Exporter, that the Fiſh were *Britiſh* taken, and really exported for Parts beyond the Seas, and not relanded, nor intended ſo to be in *Great Britain.* And before any Codfiſh, Ling or Hake ſhall be laid on board for Exportation, part of the Tail of every ſuch Fiſh is to be cut off, that

it

it may be known they have been exported, and Allowances obtained; alſo the Barrels of Fiſh are to be marked, *&c.* And if any of the ſaid Fiſh ſhall be fraudulently reimported, they ſhall be forfeited, and double the Value thereof.

And no Herrings, Pilchards, Codfiſh, Ling, Hake, Salmon or dried Red Sprats, ſhall after they are put on board any Boat or Veſſel in any River or Port, *&c.* to be exported, be taken out of ſuch Boat, *&c.* otherwiſe than to put ſuch Fiſh into the Ships to export them; nor be put on ſhore in Ports, except in the Preſence of an Officer, under certain Penalties. Where any Fiſh are loſt or ſpoiled, before the Ship proceeds on her Voyage, the Bounty ſhall be allowed for the ſaid Fiſh, as if they had been actually exported to Parts beyond the Seas; but the Fiſh ſhall be burnt or otherwiſe deſtroyed.

By the Statute 6 *Geo.* 1. *c.* 11. there ſhall be raiſed for the Uſe of his Majeſty, his Heirs and Succeſſors, over and above all other Cuſtoms and Subſidies, a Duty after the Rate of 6*d. per* Ounce, upon all Silver Plate which ſhall be imported, to be paid down in ready Money by the Importer; and on all Silver Plate made in *Great Britain* the like Duty, payable by the Workers. The Duty on imported wrought Plate hereby impoſed, is to be raiſed and brought into the Exchequer, by the ſame Rules and Methods, and with ſuch Allowances, *&c.* as the Duties upon Gilt and Silver Wire imported, granted by 10 *Ann. c.* 26. And on Debenture from the Cuſtomer or Collector of the Port, *&c.* Exporters of wrought Plate or Manufactures of Silver ſhall have a Drawback of the Duty paid, giving Security that the Quantities intended

intended to be exported, ſhall not be relanded in *Great Britain*, &c.

By the 6 *Geo.* 1. *c.* 12. the tenth Rule annexed to the Act of Tonnage and Poundage 12 *Car.* 2. relating to Abatements for corrupt and unmerchantable Wine, is repealed and made void; and as a Compenſation for the ſame, there ſhall be made as well to the Merchant at Importation, as alſo to the Prizage Maſter, out of all the groſs Duties now laid on Wines, (except the Coinage Duty) above the preſent Abatements and Diſcounts, the ſeveral Allowances following: For *Rheniſh* Wine, or Wines of the Growth of *Germany*, 2 *l. per Cent.* For Wines of the Growth of *France*, or any of the *French* King's Dominions, 6 *l. per Cent.* For *Spaniſh*, *Portugueze*, and all other Wines, 10 *l. per Cent.* Which ſeveral Allowances are to be deducted on the Debenture, in caſe the Wines be again exported.

And if any Merchant ſhall find his Wines ſo damaged, that he ſhall refuſe to pay or ſecure the Duties for the ſame, he may ſtave or deſtroy ſuch Wine in the Preſence of two or more Officers of the Cuſtoms; and ſhall be repaid the Duty, if paid, or the Quantity of Wine ſo ſtaved is to be deducted from the Foot of his Account. And then over and above the Duties repaid or allowed, the Merchant ſhall, for every Ton of Wines of the Growth of *Germany*, or which pay Duties as ſuch, or of the Growth of *France*, be allowed for Freight and other Charges, the Sum of 4 *l.* and for Wines of the Growth of *Spain*, *Portugal* or elſewhere, 8 *l. per* Ton; to be paid without delay by Certificate, out of the Duties ariſing by the ſaid Act of Tonnage and Poundage.

Every

Every *Britiſh* Merchant ſhall have 18 Months, and every Alien 15 Months time, from the Importation of all Wines, to export the ſame; and have the Benefit of Drawbacks, *&c.* And as a farther Encouragement, the Merchant Exporter ſhall be allowed two thirds of the Impoſt Duty paid on the Importation of Wine, by Virtue of the Act 1 *Jac.* 2. *c.* 3.

By 6 *Geo.* 1. *c.* 21. no Brandy, Arrack, Rum, Strong Waters or Spirits, exceeding the Quantity of one Gallon, ſhall be carried from any part of this Kingdom to another, by Land or by Water, without a Permit or Certificate from one of the Officers of the Cuſtoms or Exciſe, ſignifying and certifying the Quantity and Quality thereof, and that the Duties have been ſatisfied, or the ſame had been condemned, *&c.* on pain of forfeiting the Brandy, or other ſuch Liquors, which ſhall be found ſo carrying without ſuch Permit, and the Caſks and Veſſels containing the ſame.

If any foreign Brandy, *&c.* be imported in any Ship, Veſſel or Boat, of thirty Tons, or under (excepting one Gallon for the Uſe of each Seaman on board) every ſuch Ship, *&c.* with her Tackle, Furniture and Apparel, and alſo all ſuch Brandy, *&c.* or the Value, ſhall be forfeited; and any Officer of the Cuſtoms may ſeize the ſame, which when condemned, ſhall be publickly ſold, *&c.* according to the Act 5 *Geo.* 1. *c.* 11. And where Ships under 50 Tons being in part or fully laden with Brandy, are found at Anchor or hovering within two Leagues of the Shore, the Commander of any of his Majeſty's Ships of War, Frigates or armed Sloops, appointed for the Guard of the Coaſts, or any Cuſtom-Houſe Boat, or Officer of the Cuſtoms, may

may compel the Maſter or other Perſon having Charge of ſuch Ship, to come into Port, &c. And the Ship and Brandy, &c. ſhall be ſubject to the ſame Rules and Penalties, as thoſe which hover within the Limits of any Port of this Kingdom, by the ſaid Act: And if the Maſter, &c. of any ſuch Ship ſhall ſuffer any Brandy, or other uncuſtomed or prohibited Goods, to be put out of the ſaid Ship into any Hoy, Lighter or Boat, to be laid on Land; or ſhall ſuffer any Wool, &c. to be taken in from the Shore, he ſhall, beſides the Penalties to which he will be liable by any Law in Being, ſuffer ſix Months Impriſonment.

And if any Officer of the Cuſtoms be forcibly hindered, wounded or beaten in the Execution of his Office, by Perſons armed with Clubs or any Weapon, tumultuouſly aſſembled in the Day or Night, to the Number of eight or more, every ſuch Perſon ſo hindering, wounding, &c. the ſaid Officer, or ſuch as ſhall act in their Aid and Aſſiſtance, being convicted thereof, ſhall be tranſported, not exceeding ſeven Years. But if any ſuch Offender ſhall within two Months, and before Conviction, diſcover two or more of his Accomplices to the Commiſſioners of the Cuſtoms, ſo as two of them at leaſt be convicted, he ſhall have 40*l.* Reward for each, and be acquitted of his Offence: And any other Perſons diſcovering ſuch Offenders in three Months, ſhall have the like Reward for every Offender convicted, over and above other Rewards and Penalties.

If prohibited or cuſtomable Goods ſhall be found by any Officers of the Cuſtoms, in the Cuſtody of any Perſons, in a Bark, Lighter, Barge or Boat on the Water; or in any Houſe, Shop, Warehouſe, &c. at Land, ſuch Officers

may stop and put the said Goods in the King's Warehouse, there to remain 'till the Claimers make Proof to the Satisfaction of the Commissioners of the Customs, that the Duties of the customable Goods have been paid or secured, or that the same had been bought in a lawful way of Trade, *&c.* in which case such Goods shall be delivered without Delay or Charge: Provided such Proof be made within ten Days after the Goods have been stopped; in Default whereof, the Goods may be seized, and prosecuted as the Laws direct against Importation of uncustomed Goods, and the Forfeitures be to the like Uses.

In all cases where the Claimer of such Goods shall, by Proof on Oath or otherwise, induce the Commissioners or Collector of the Customs to order the Delivery of the Goods so stopped; if the Owners or Claimers shall receive any Damage by reason of such Stop, they may bring their Action against the Officers, for reasonable Damages sustained by means of the Goods being so detained: And if the Commissioners, *&c.* shall not order the Delivery of the said Goods, the Owners may nevertheless sue for Recovery of the same, or the Value thereof, together with Costs and Damages, according to the usual Course of Law in any Court of Record.

On granting Licences for importing Nutmegs, Cinnamon, Cloves and Mace, by the Commissioners of the Customs, shall be expressed therein the Quantity and Quality of the said Spices, and the Port into which they are intended to be imported; and such Licence shall be granted without Fee, *&c.* so as the Spices imported, other than directly from the *East-Indies*, be not in any other Package but Casks or Bales, and each Cask

Caſk of Nutmegs, Cloves or Mace, to weigh neat 300 Pounds or upwards, and each Bale of Cinnamon 70 Pounds Weight: And the Licence ſo taken out ſhall be produced and delivered by the Maſter, *&c.* of the Ship, with the Name of the Ship and Maſter, and the Marks and Numbers of every Caſk, Bale or Parcel, *&c.* endorſed thereon, to the Collector of the Port where imported. And if any of the ſaid Spices ſhall be found on board any Ship, in Bags or other ſmall Parcels, packed in Hogſheads, Caſks, *&c.* they ſhall be forfeited, one Moiety to the King, the other to the Informer.

An Allowance not beyond two *per Cent.* ſhall be made to the Merchant Exporter, on the Duties to be drawn back, for Tobacco exported to *Ireland*, in Conſideration of Waſte in the Voyage. If any Tobacco enter'd out for foreign Parts and exported, ſhall afterwards be landed in *Ireland*, the ſame and double the Drawback ſhall be forfeited; and every Debenture thereupon ſhall become void, as if the ſaid Tobacco were relanded in *Great Britain.*

The Statute 8 *Geo.* 1. *c.* 15. enacts, that the Subſidies and other Duties, payable to the Crown, on the Exportation of any Goods of the Product or Manufacture of *Great Britain*, ſhall ceaſe and be no longer paid: And any Perſon may export ſuch Goods, without paying any Duty, ſo as an Entry be firſt made thereof in the Cuſtom-houſe, and the ſame be ſhipped by the proper Officer; otherwiſe the ſaid Goods to be liable to the Payment of the Cuſtoms. And this Act ſhall not extend to determine, or alter the Duties to be paid upon exporting Allom, Lead, Lead-Ore, Leather tanned, Copperas, Coals, white woollen Cloths,

*Lapis Calaminaris*, Skins of all Sorts, Glue, Cony Hair or Wool, Hares Wool, Hair of all Sorts, Horses, and Litharge of Lead.

And there shall be allow'd to any Persons who shall export out of this Kingdom by way of Merchandize, any of the Goods or Commodities manufactured in *Great Britain*, hereinafter specified, *viz.* For all Ribbons and Stuffs of Silk only, 3 *s.* for every Pound Weight. For Silks and Ribbons mixed with Gold or Silver, 4 *s. per* Pound. For all Silk Stockings, Silk Gloves, Fringes, Silk Laces, Stitching or Sewing Silk, 1 *s. per* Pound. For all Stuffs of Silk and Grogram Yarns, 8 *d. per* Pound. For Stuffs of Silk mixed with Incle or Cotton, 1 *s.* and for all Stuffs of Silk and Worsted, 6 *d. per* Pound: Which Allowances are to be paid by the Customer or Collector of the Port from whence exported, on a Debenture made forth by them, according to the Entry of the Goods, and the shipping thereof verified by the Searchers, and Oath made by the Exporter that the Goods are of *British* Manufacture, and intended to be exported to Parts beyond the Seas, and not relanded in any part of *Great Britain*, for which Security shall be given to the Customer, *&c.*

The said Allowances shall not be made for such of the said Manufactures mixed with Gold or Silver, when they are so mixed only at the Edges or Ends of the Piece: And any Searcher or other Officer of the Customs, after Entry of such Goods, may open and examine any Bale, Chest or other Package, to see if the Goods are right entered; and if they shall be found so, the Officer shall, at his own Charge, cause them to be repacked to the Satisfaction of the Exporter: But

if

if any Goods appear to be entered under a wrong Denomination, they ſhall be ſeized, and ſuch Goods and the Value forfeited.

It ſhall be lawful to import all Drugs and other Goods in this Act enumerated, which are uſed for dying, on making due Entries, and ſo as the ſame be landed in the Preſence of the proper Officer of the Cuſtoms, without paying any Subſidy or Cuſtom whatſoever: And on all foreign Goods uſed in dying, which ſhall be ſo imported Duty-free, and ſhall again be exported, there ſhall be paid a Subſidy of Poundage upon the Value of 20*s.* according to the Rates herein mentioned, the Sum of 6*d.* to be raiſed, *&c.* by ſuch ways and means, and under ſuch Penalties, and with ſuch Allowances as any Subſidy of Poundage on Goods exported may be by any Laws of the Cuſtoms in force.

The Duty upon Pepper imported directly from the Place of its Growth in *Engliſh* built Shipping, for ſuch Pepper which is delivered from the Warehouſes for Home-Conſumption, (without altering the half Subſidy payable on the Importation thereof) ſhall be reduced to pay 4*d. per* Pound and no more; and the Value of the Pepper ſhall be computed at 6*s.* 8*d.* the Pound upon which Value 12*d.* in the Pound of Money, doth amount to the ſaid Sum of 4*d.* The Duties on Mace, Cloves and Nutmegs imported, ſhall be eſteemed as if they had been valued in the Book of Rates, Mace at 6*s.* Cloves 4*s.* Nutmegs 3*s. per* Pound; according to which Values, there ſhall be paid for every Pound Weight of Mace, 3*s.* of Cloves, 2*s.* and of Nutmegs, 1*s.* 6*d.* And the reduced Duties on Pepper delivered out of the Warehouſes for

Home-Conſumption, and on Mace, Cloves and Nutmegs ſhall have the like Continuances, and be raiſed as the preſent Duties have been and are; and on Exportation of Mace, *&c.* there ſhall be allowed certain Drawbacks, as ſhall bear the like Proportion to the Sums charged by this Act, as the former Drawbacks allowed did bear to the Duties thereon.

Upon Beaver Skins imported, the Duties ſhall be computed and paid, as if they were valued in the Book of Rates at 2 *s.* 6 *d.* according to which Rate there ſhall be paid for every Beaver Skin imported, 6 *d.* and no more: And on exporting Beaver Skins within the time allowed by Law, for which the Duty hath been paid, there ſhall be allowed a Drawback of the Moiety of the Duty, and no more. All Beaver Skins and other Furs of the Product of the *Britiſh* Plantations, ſhall be imported directly from thence into *Great Britain*, and laid on Shore there, and not elſewhere, under Penalties and Forfeitures.

By the 8 *Geo.* 1. *c.* 18. if any foreign Brandy, Arrack, Strong Waters, *&c.* ſhall be imported into this Kingdom, or any Port, Harbour, Haven or Creek thereof, in any Ship or Veſſel of the Burthen of 40 Tons or under, (except only two Gallons for the Uſe of each Seaman belonging to the Ship, *&c.*) every ſuch Veſſel, with her Tackle, *&c.* as alſo all ſuch Brandy, *&c.* or the Value thereof, will be forfeited, and ſhall and may be ſeized by any Officer of the Cuſtoms, and proſecuted as is preſcribed in 5 *Geo.* 1. *c.* 11. and 6 *Geo.* 1. *c.* 21. concerning Ships, *&c.* of 15 or 30 Tons.

And by this Act, if any Perſon ſhall aſſault, oppoſe, moleſt or hinder any Officer of the Cuſtoms

ſtoms or Exciſe in the ſeizing any Brandy, &c. either Foreign or *Britiſh*, or any foreign exciſeable Liquors, which may be ſeized by ſuch Officers; or ſhall by Force or Violence reſcue or procure to be reſcued any ſuch Brandy, &c. after ſeized, or attempt ſo to do; or ſhall at or after ſuch Seizure, ſtave, break or otherwiſe deſtroy or damage any Caſk, Veſſel or Bottle, containing the Brandy, &c. ſuch Offender ſhall forfeit 40 *l.* for every Offence.

In caſe any Boat, Pinnace, Barge or Galley, rowing or built to row with more than four Oars, ſhall be found upon the Water, or in any Barge-houſe, &c. within any of the Counties of *Middleſex*, *Surrey*, *Kent* or *Eſſex*, or in the River *Thames* above or below *London-Bridge*, or within the Limits of the Ports of *London*, *Sandwich* or *Ipſwich*, or the Members or Creeks to them belonging, (except it be any Barge belonging to the King or Royal Family, or any Long-Boat or Pinnace of Merchant-Ships, or Boats licenſed by the Commiſſioners of the Admiralty) ſuch Boat, &c. ſhall be forfeited, and may be ſeized by Officers of the Cuſtoms; and the Owners or any Perſons uſing or rowing in ſuch Boat, are liable to 40 *l.* Penalty.

All Perſons found paſſing, knowingly and wittingly, with any foreign Goods landed from any Ship, without due Entry and Payment of the Duties, in their Cuſtody, from or within twenty Miles of the Coaſts of this Kingdom, and that ſhall be more than five in Company; or that ſhall carry any offenſive Arms, or wear any Vizard or other Diſguiſe, when paſſing with ſuch Goods; or ſhall forcibly hinder or reſiſt any Officers of the Cuſtoms, &c. in ſeizing or ſecuring

any ſorts of run Goods and Commodities, ſhall be deemed Runners of foreign Goods, within the Meaning of this Act; and (being convicted of any of the ſaid Offences) ſhall be adjudged guilty of Felony, and be tranſported in the ſame manner as Felons: And the ſame Reward is given for diſcovering Accomplices in running of Goods, and Perſons guilty of theſe Offences, as by the Statute 6 *Geo.* 1. *c.* 21.

If any Perſon ſhall receive or buy Goods clandeſtinely run or imported, before the ſame ſhall be legally condemned, knowing it to be ſo run, he ſhall forfeit 20*l.* on Conviction before one or more Juſtices of the Peace of the County, *&c.* And Perſons guilty of any Offence contrary to this or any other Act for preventing the clandeſtine Running of cuſtomable or prohibited Goods, or of receiving ſuch Goods into their Cuſtody, may be proſecuted by Action, Bill, *&c.* and thereupon a *Capias* ſpecifying the Sum of the Penalty ſued for ſhall iſſue; and ſuch Perſons ſhall be obliged to give Bail to appear in Court at the Day of the Return of the Writ, to anſwer ſuch Suit; and at the time of appearing ſhall likewiſe give ſufficient Bail to anſwer all the Penalties and Forfeitures incurred, in caſe they ſhall be convicted of the Offence, or to yield their Bodies to Priſon.

Where any Goods brought or coming into any Port within this Kingdom, from any other Port within the ſame, by Coaſt-Cocket, Tranſire, Let-paſs or Certificate, in any Veſſel, ſhall be unſhipped to be landed or put on ſhore before ſuch Cocket, *&c.* be delivered to the Cuſtomer or Collector, and Comptroller of the Port or Place of her Arrival, and Warrant and Sufferance made

and

and given from ſuch Cuſtomer, *&c.* for landing thereof; the Maſter, *&c.* or other Perſon taking Charge of ſuch Ship, knowing and conſenting thereto, ſhall forfeit the Value of the Goods ſo unſhipped: And if any Goods of foreign Growth or Manufacture, coming Coaſt-wiſe, ſhall be landed without the Preſence of an Officer of the Cuſtoms, ſuch Goods or the Value ſhall be forfeited.

If Ships having Wine on board ſhall by Streſs of Weather or other Accident be ſtranded, the Wines which ſhall be ſaved, may be put on board any other Veſſel and carried to any of the lawful Ports for landing Goods in this Kingdom, and be entitled to the ſame Allowances for ſuch of them as ſhall be ſtaved, ſpilt, *&c.* as if they came in the Ship or Veſſel in which they were firſt landed. But no Allowance ſhall be made by Virtue of 6 *Geo.* 1. *c.* 12. for the Freight or Charges of any Wine imported, unleſs ſuch Wine be imported in Caſks on board ſome Merchant Ship, directly from the Country of its Growth, or uſual Port or Place of its firſt ſhipping.

By 8 *Geo.* 1. *c.* 20. the Duties now payable on the Importation of Pictures ſhall ceaſe; and in lieu thereof, there ſhall be paid for all Pictures imported, the certain Duties following, according to the Dimenſions of ſuch Pictures, *viz.* For every Picture of four feet ſquare or upwards, or of any Size to anſwer it, 3*l.* For every Picture of two feet ſquare, and under four, 40*s.* And for every Picture under two feet ſquare, 20*s.* Which Duties are to be paid in ready Money by the Importers of ſuch Pictures, before the landing of the ſame; and

ſhall

ſhall be raiſed, *&c.* by ſuch Rules, and under ſuch Penalties, *&c.* as the Duty on Pictures hereby taken away, might have been if the ſame had continued.

There ſhall be raiſed and levied on all Apples which ſhall be imported into *Great Britain*, over and above the Cuſtoms and Duties already impoſed thereon, an additional Duty of 2*s.* for every Buſhel, and ſo proportionably; to be paid by the Importer before landing thereof.

The 9 *Geo.* 1. *c.* 8. continues certain Statutes made againſt clandeſtine running uncuſtomed Goods, *&c.* And the Act 8 *Geo.* 1. *c.* 15. for Encouragement of the Silk Manufactures, *&c.* ſhall not extend to the making any Allowances on Exportation of any Manufactures mentioned in that Act, mix'd with Silk, except ſuch wherein at leaſt two third parts of the Ends or Threads of the Warp, (by which is meant the Length of the Piece) be either all Silk, or mixt or twiſted with Silk in the Warp: And if any Perſon ſhall be found to enter or ſhip any of the ſaid Goods, which are not mixed with the Quantities of Silk before mentioned, he ſhall not only forfeit the Goods ſo entered, *&c.* but be proſecuted for double their Value.

By the 9 *Geo.* 1. *c.* 19. it is enacted, that there ſhall be paid for all bound Books imported, 14*s.* for every hundred Weight, and ſo in Proportion for any greater or leſſer Weight, inſtead of the former Duties payable *ad valorem*; to be paid in ready Money before landing: This Duty to be raiſed in the ſame manner, as the former Duties were; and in all caſes where thoſe Duties were to ceaſe, the Duty

hereby charged, or a proportional part, ſhall determine.

By 9 *Geo.* 1. *c.* 21. the Importers of Tobacco of the *Britiſh* Plantations, ſhall upon the Importation thereof pay down the old Subſidy of 1 *d. per* Pound, with an Allowance of 25 *per Cent.* inſtead of former Allowances for Waſte, Damage, *&c.* and all the other Duties on ſuch Tobacco imported, amounting together to 5 *d.* and one third of a Penny *per* Pound, ſhall be paid down, or the Importer ſhall become bound with Sureties for Payment thereof within 18 Months; and in lieu of all former Encouragements and Diſcounts for prompt Payment, *&c.* one Allowance of 25 *l. per Cent.* of the laſt mentioned Duties ſhall be deducted and allowed; and every Importer, not paying down the ſaid Duties, ſhall have an Allowance only of 15 *l. per Cent.* And if any Importer or Proprietor of Tobacco, that has given Security for Payment of the Duties in 18 Months, ſhall diſcharge his Bonds ſooner than the Expiration of that time, he ſhall be abated ſo much as the Diſcount at 7 *l. per Cent.* ſhall amount to, in Proportion to the time unexpired.

No Allowance ſhall be made to the Importers, in Conſideration of any damaged or mean Tobacco, *&c.* But if any Tobacco receive Damage on board any Veſſel, by Streſs of Weather at Sea, or by the Ship's being forced on Shore; or in caſe any unforeſeen Accident happen, after the Veſſel's Arrival in Port, by its bulging, or by the Lighter in which the Tobacco is put to be landed, *&c.* the chief Officer of the Cuſtoms may allow the Importer one Half-penny for every Pound of ſuch Tobacco, for which he ſhall refuſe

to

to pay or secure the full Duties; and which shall be cut off and separated from the Sound, in order to be burnt or publickly destroyed by the Officers of the Customs; so as such Allowance shall not exceed 30*s.* for all the Tobacco damaged in any one Hogshead.

If any Tobacco entered, and the Duties thereof paid or secured, shall be exported into foreign Parts, the Exporter shall on a proper Debenture made forth, be allowed to draw back the whole Duty, or the Security shall be vacated on the Bonds given on Importation; Care being taken, that the several Allowances and Deductions at the Importing, be again deducted on the Debenture. But no Drawback is to be allowed on Tobacco exported in any Package, but only in Casks having three hundred Weight in each Cask; except Tobacco cut or rolled: And there shall be allowed for Draft only at the Scale, eight Pounds upon every Hogshead that shall contain 350 Pounds of Tobacco, or more; which Allowance shall not be deducted upon Exportation.

Persons discovering to the Officers of the Customs, any Fraud, either by the Exporter of Tobacco, or other Goods or Merchandize, or by any other in Aid of the Exporter, whereby his Majesty has been defrauded by the Exportation thereof, as to Drawbacks allowed, *&c.* such Persons making such Discovery shall have one half of the Officer's or Prosecutor's Share of what shall be recovered thereon, the Charges of Prosecution deducted; and the Commissioners of the Customs are to cause such Charges to be paid equally by the Crown, and the Officer or Prosecutor; and the Persons who were aiding to the

Exporter

Exporter in ſuch Fraud, ſo diſcovering, ſhall be acquitted of ſuch Offence.

If Tobacco or other foreign Goods ſhall be taken on board any coaſting Veſſel in Parts beyond the Seas, or out of any Veſſel at Sea, or at any Port or Place of this Kingdom, other than the Port from whence ſuch Goods ſhall be certified, the Goods and double the Value ſhall be forfeited; and the Maſter of the coaſting Veſſel ſhall forfeit the Value of the Tobacco or other Goods. And the like Encouragement ſhall be given to Perſons (not being the Owners, *&c.* of the Tobacco or Goods ſhipped Coaſtwiſe) diſcovering Frauds, by which his Majeſty ſhall be defrauded of his Duties, *&c.* as above on fraudulent Exportation.

By the Statute 10 *Geo.* 1. *c.* 10. the ſeveral Duties upon Coffee and Tea, granted by 6 *W.* 3. *c.* 7. 3 *Ann. c.* 4. and 10 *Ann. c.* 26. and the Duties upon Cocoa-Nuts, granted by the ſaid Acts of 6 *W.* 3. and 3 *Ann.* for ſeveral Terms of Years, and ſince continued by other Statutes, and made perpetual, but ſubject to Redemption, ſhall ceaſe and be no longer payable: And that no Deficiency may happen in the Funds to which the ſaid Duties by this Act determined were appropriated, it is enacted, that the reſpective Inland Duties hereafter mentioned ſhall in lieu thereof be charged on all Coffee and Tea to be ſold in *Great Britain*, and upon all Chocolate to be made or ſold, *viz.* on Coffee ſo be ſold, 2 *s. per* Pound *Averdupois*, over and above all Cuſtoms and Duties remaining payable on the Importation thereof; on all Tea ſo to be ſold, 4 *s.* and upon all Chocolate ſo to be made or ſold, 1 *s.* 6 *d. per* Pound.

And

And an Entry shall be made of all Warehouses, *&c.* intended to be made use of for the keeping of Coffee, *&c.* on pain of forfeiting 200*l.* and the Coffee, *&c.* And if any Seller or Dealer in Coffee, Tea or Cocoa-Nuts, shall hide or conceal any Coffee, Tea, *&c.* from the View of the Officers for the said Duties, with Intent to defraud his Majesty of the same, the Persons so offending shall forfeit all such Coffee, *&c.* and treble the Value thereof: And in case any Person shall assault, oppose or hinder any Officer of the Customs, or for the Inland Duties, in the seizing of any Coffee, *&c.* which may be seized by Virtue of this or any other Act; or shall by Force and Violence rescue any of the said Commodities after Seizure, or break, destroy or damage any Vessel or Package wherein the same shall be contained, he shall for every such Offence forfeit 50*l.*

No Chocolate ready made, or Cocoa-Paste shall be imported into *Great Britain*, on pain of Forfeiture, together with double the Value, and the Bags, Casks, Boxes and other Package containing the same: And all Chocolate which shall be made here, shall be packed up in Papers of one Pound Weight each, and have a Mark or Stamp thereon; under the Penalty of 20*s.* for every Pound Weight found in any Person's Custody without such Mark, *&c.* and if any Person shall counterfeit any Mark, *&c.* he shall forfeit 500*l.* for every such Offence, and suffer twelve Months Imprisonment.

The Sellers of Coffee, Tea and Chocolate, and Coffee-house-keepers are to keep Accounts of small Quantities less than six Pounds by them daily sold or consumed, and the Totals shall be every

every Night ſet down in a Book, which is to be delivered on Oath. And no Coffee, Tea, *&c.* exceeding ſix Pounds Weight, ſhall be removed from any part of the Kingdom by Land or Water, without a Permit ſigned by one or more of the Officers for the Inland Duties, certifying the Names and Places of Abode of the Buyer and Seller, and expreſſing the Quantity and Species of the Commodity, and that the Inland Duties have been paid, or that the Cocoa-Nuts have been duly entered, *&c.* on pain of forfeiting the Coffee, *&c.* And in which Permits, the Officers who grant them, ſhall limit the time they ſhall continue in force.

All Coffee, Tea and Cocoa-Nuts imported, upon Entry thereof at the Cuſtom-houſe, and paying or ſecuring the ſeveral Subſidies and additional Impoſts due thereon, ſhall be forthwith put into a Warehouſe provided for that purpoſe; where the Importer may garble and ſeparate it, to make the ſame merchantable: And the ſaid Coffee, Tea and Cocoa-Nuts ſhall not be taken out of the ſaid Warehouſe, on any Account other than as is here mentioned, *viz.* ſuch of the Coffee and Tea which ſhall be ſold to be conſumed in *Great Britain*, the Importer or Proprietor on its being delivered out ſhall make an Entry with the Receiver of the Inland Duties, *&c.* and pay the ſaid Duties down in ready Money: And as to Cocoa-Nuts taken out, in order to be made into Chocolate in this Kingdom, an Entry ſhall be firſt made thereof by the Importer, *&c.* with the ſaid Receiver or Collector of the Inland Duties, as a Charge on ſuch Importer, and alſo on the Buyer, *&c.* And as for ſuch part of the ſaid Coffee, Tea and Cocoa-Nuts,

Nuts, as ſhall be intended for Exportation, it ſhall be delivered out upon ſufficient Security given to the Crown, that the ſame ſhall be exported, and not relanded in *Great Britain*, &c.

The Warehouſe-keepers appointed by the Commiſſioners of the Cuſtoms, *&c.* ſhall keep a Book or Books, wherein they ſhall enter a true Account of all Coffee, Tea, *&c.* brought in and carried out of the Warehouſes to which they belong; and ſhall tranſmit Accounts thereof to the Commiſſioners upon Oath, at the End of every ſix Months, or oftner if required: And if on examining ſuch Accounts it ſhall appear that any Coffee, *&c.* has been unduly delivered out, the Warehouſe-keepers and Officers offending therein, ſhall be diſabled to hold any Office, and forfeit 100*l.* The Proprietor of ſuch Coffee, *&c.* and Warehouſe-keeper or Officer may each have a Lock and Key to every ſuch Warehouſe; and Warehouſe-keepers and Officers for the Inland Duties are to attend at reaſonable times.

It is declared, that the old Subſidy, the new Subſidy, the one third and two third Subſidies, and additional Impoſt, over and above the Inland Duties by this Act charged on Coffee and Tea imported, and upon Chocolate made in this Kingdom, ſhall by Law be ſtill paid for Coffee, Tea and Cocoa-Nuts imported, and be raiſed in ſuch manner, by ſuch ways, and under ſuch Penalties, with the Diſcounts, *&c.* as are mentioned in the ſeveral Acts which granted the ſaid Subſidies and additional Impoſt; and all Powers, *&c.* therein contained, ſhall be executed as if this Act had never been made.

Tea

Tea imported from any Place within the Limits of the *Eaſt-India* Company's Charter, ſhall pay the old Subſidy of 12 *d.* in the Pound granted by 12 *Car.* 2. *c.* 4. according to the reduced Value thereof, after the Deduction of the Cuſtoms, and other Duties payable thereon at Importation, and other Deductions; and the other Subſidies and additional Impoſts on Tea, are to be paid on importing it, according to ſuch reduced Value in proportion. And all Coffee imported ſhall be rated at 7*l.* for every hundred Weight; and Cocoa-Nuts at 50*s.* for the like Weight; and the Subſidy at 12 *d. per* Pound, and further Subſidies and additional Impoſt ſhall be paid according to ſuch Rates, and not according to the Value ſworn.

Nothing in this Act ſhall extend to give any Power or Licence to any Perſons, to import Tea into any of his Majeſty's Dominions, but ſuch only as could import the ſame, and in ſuch manner as the ſame could be lawfully imported, before the making of this Act.

By the 11 *Geo.* 1. *c.* 7. it is enacted, that the Proviſo's and Clauſes in the Act of Tonnage and Poundage 12 *Car.* 2. *c.* 4. and in divers other ſubſequent Acts, relating to Goods and Merchandizes not particularly rated in the Book of Rates referred to in that Act, for aſcertaining the Value of ſuch Goods imported, according to the Oaths of the Importers, ſhall be repealed; and in lieu of the ſaid Rates *ad valorem*, there ſhall be paid for the old Subſidy, the ſeveral Rates and Duties mentioned in one Book of Rates, intitled, *An additional Book of Rates of Goods and Merchandizes imported*, &c. The ſaid Duties to be paid on the Importation of the ſaid Goods into

any Port of this Kingdom; which Book of Rates, and every Article, Rule and Clause therein, shall, during the Continuance of the Act of Tonnage and Poundage, be of full force and put in Execution.

And where any of the Goods mentioned in the said Book of Rates are liable to the Payment of the further Subsidy, the one third Subsidy, the two thirds Subsidy, the additional Impost, the additional Duty on *French* Goods, and the further Duty on unrated Goods, or any of them, according to the respective Values set thereon for the old Subsidy, or in Proportion thereto; the same shall be paid in Proportion, according to the Value set thereupon in the said Book of Rates for the old Subsidy, and be collected in such manner, and by such ways, *&c.* as by the several Acts of Parliament granting them is directed. And the Value of such Goods and Merchandizes as may happen to be omitted to be rated in either of the said Books of Rates, shall be ascertained by the Oath or Affirmation of the Merchant, in the Presence of the Customer, Collector, *&c.* and the old Subsidy and other Duties for such Goods are to be paid according to such Value.

And the proper Officers of the Customs may open and examine Goods paying Duty *ad valorem*, and if they appear not to be valued according to the true Value and Price, the Goods may be warehoused for the Benefit of the Crown; and the Customer or Collector shall out of the Money in his Hands, pay the Importer the Value sworn to, with the Customs and Duties paid, and 10*l. per Cent.* over, taking a Receipt in full Satisfaction for the same; and then the Goods

ſhall be publickly ſold, and out of the Produce thereof the Collector to be repaid, and the Overplus paid into the Exchequer towards the *Sinking Fund.*

The additional Duty of 20*l. per Cent.* of the true and real Value of Drugs imported, payable by virtue of the Act 10 *Ann. c.* 26. ſhall ceaſe, determine and be no longer paid. And the new Duties of 20*l.* and 10*l. per Cent.* payable *ad valorem* on all Paper imported, by the Acts 10 *Ann. c.* 19. and 12 *Ann. c.* 9. ſhall be paid, over and above the Subſidies and other Duties on unrated Paper, according to the Rates and Values ſet upon the ſeveral kinds of Paper in the *additional Book of Rates*, ſigned by *Spencer Compton*, Eſq; Speaker of the Houſe of Commons.

And by the Rules and Orders annexed to this Book of Rates, it is ordained, that any of the Rates, *&c.* contained therein ſhall not extend to alter the Method preſcribed by Law for aſcertaining the Values upon ſuch unrated Goods, Wares and Merchandizes imported, as are of the Growth, Product or Manufacture of the *Eaſt-Indies*, *China* or other Parts within the Limits of the Charters granted to the United Company of Merchants of *England* trading to the *Eaſt-Indies:* Or to the charging any Duty upon ſuch Drugs or other Goods uſed in dying, which are to be imported Duty-free, by virtue of an Act made in the eighth Year of his preſent Majeſty's Reign, on the Conditions therein mentioned, *&c.*

By 11 *Geo.* 1. *c.* 30. it ſhall and may be lawful for Officers of Exciſe to go on board Ships in any of the Ports, and ſearch for Arrack, Rum,

Brandy, Strong Waters or other exciseable Liquors, and for Coffee, &c. in like manner as Officers of the Customs may do; and to seize all forfeited Commodities and Goods found unshipping or unshipped before due Entry, and without paying or securing the Duties upon Importation. And such Officers by special Warrant may search for Brandy, &c. fraudulently hid in any Place whatsoever; and Persons obstructing them shall forfeit 100 *l.* for every Offence.

If any Person shall take out a Permit from the Officers for the Duty on Brandy, Arrack, &c. or Coffee, Tea and Chocolate, for removing any of them from one Place to another; and do not send away all the Commodities within the time limited; or in Default thereof, shall not before the Expiration of the said limited time, return the Permit; he shall forfeit treble the Value of such Commodities, &c. and if there does not appear a sufficient Decrease on Goods removed to answer the Removal, the Officer may seize the like Quantity of the Brandy, &c. not removed according to the Permit, for his Majesty's Use as forfeited.

Any Person that shall knowingly harbour, keep or conceal, or permit to be harboured, &c. any prohibited Goods or run Goods, Wares, Merchandizes or Commodities whatsoever, liable to any Duties of Customs, Excise and Inland Duties, whether he have or have not, or do not claim to have any Property or Interest in such Goods, &c. the Party so offending shall for every Offence forfeit all the said Goods, Wares, &c. and treble the Value: And the single Value and Worth of such forfeited Goods shall be taken to be

be according to and at the Rates and Prices, as the beſt Goods, &c. of the ſame Sorts, Kinds and Denominations ſhall at the time bear and ſell for in *London*.

If any Perſons offer to Sale any Goods, &c. which are prohibited, or that are or ſhall be pretended to have been run, all ſuch Goods ſhall be forfeited, and may be ſeized by the Party to whom the ſame ſhall be ſo offered to Sale, or by any Officer of the Cuſtoms or Exciſe; and within twenty-four Hours in *London*, &c. or forty-eight Hours in any other Place, the Goods, &c. ſo ſeized, are to be ſecured in ſome Warehouſe belonging to the Officers of the Cuſtoms, or lodged at the Exciſe Office, near the Place of Seizure: And every Perſon expoſing ſuch Goods, &c. to Sale, ſhall beſides forfeiting the ſame, forfeit alſo the treble Value thereof. And all the like prohibited or run Goods ſo bought by any Perſon ſhall be likewiſe forfeited, and may be ſeized and taken from the Buyer, either by the Seller or any Officer of the Cuſtoms, &c. and ſecured as above; and ſuch Buyer ſhall forfeit treble the Value of the Goods: But both the Buyer and Seller are not to be proſecuted for the ſame Goods and treble Value. If within one Month after any Seizure a Proſecution is not commenced by the Seizor, the Warehouſe-keeper or Keeper of the Office of Exciſe, &c. may proſecute for the Forfeiture of the ſaid Goods, &c.

No Tea ſhall be imported into this Kingdom from any other Place than the Place of its Growth, tho' the ſame may have been formerly exported from hence, or on any other Pretence whatſoever; on pain of Forfeiture of all

ſuch Tea, one Moiety to the King, the other to the Seizor and Proſecutor. And no Dealer in Tea, or Manufacturer thereof ſhall counterfeit or adulterate any Tea with *Terra Japanica*, or any other Drugs; nor ſhall mix therewith any Leaves other than of Tea, *&c.* on pain of forfeiting the Tea ſo adulterated, *&c.* and the Sum of 100*l.*

By the Statute 12 *Geo.* 1. *c.* 26. it is ordained, that the new Duty impoſed by the Act 8 *Ann. c.* 7. on Snuff imported ſhall ceaſe; and all the Proviſions and Clauſes contained in any former Acts, ſo far as they relate to the aſcertaining the Value of ſuch Snuff according to the Importer's Oath, are repealed and made void. And all Snuff which ſhall be imported ſhall be rated to and pay the old Subſidy granted by the Act of Tonnage and Poundage 12 *Car. c.* 4. according to the Rates and Values herein after mentioned, (and not the Values ſworn to or affirmed by the Importer,) *viz.* All Snuff imported in *Britiſh* Ships from any of the *Britiſh* Plantations in *America*, or any part of the *Spaniſh Weſt-Indies*, ſhall be rated at 2*s.* 6*d.* for every Pound Weight; and Snuff imported from *Italy*, *Spain*, *Portugal*, and all other foreign Parts, except *France*, ſhall be rated at 5*s.* for every Pound Weight Averdupois: And the further Subſidy, *&c.* ſhall be paid according to the particular Value thereon for the ſaid old Subſidy. Upon Exportation of any of the ſaid ſorts of Snuff, the Duties paid or ſecured for the ſame at Importation ſhall be drawn back and allowed to the Exporter, on a proper Debenture to be made forth, except the old Subſidy.

By

By the 12 *Geo.* 1. *c.* 28. on the Seizure of any foreign Goods, Tea, Coffee, Brandy, Rum, *&c.* for unlawful Importation or Non-payment of Duties, or for any other Cauſe of Forfeiture, the Commiſſioners of the Cuſtoms, Exciſe, *&c.* ſhall cauſe the ſame to be proceeded againſt according to the Laws in force, and after Condemnation to be publickly ſold to the beſt Bidder, at ſuch Places as they ſhall think proper. The Officer of the Cuſtoms, Exciſe or inland Duties, or other Perſon authorized, making ſuch Seizure, ſhall for his Encouragement be allowed one third part of the full Sum ariſing from the publick Sale of all ſuch Tea, Coffee, foreign Brandy, *&c.* free from Charges: And Tea as cannot be ſold for 5*s.* the Pound Weight may be burnt or otherwiſe deſtroyed, and the Officer, *&c.* ſhall have a Reward not exceeding 1*s.* 6*d. per* Pound for ſuch Tea. But no Officer of the Cuſtoms or other Perſon ſhall be intitled to any Reward upon Seizure of any Goods by virtue of this Act, unleſs Notice thereof be given by him to the next Exciſe Officer in forty-eight Hours, *&c.*

Where any Goods ſhall be ſeized for not paying Duties or other Cauſe of Forfeiture, and any Diſpute ſhall ariſe, whether the Cuſtoms, Exciſe or Inland Duties have been paid for the ſame, or they have been lawfully imported, or legally compounded for, or condemned, or concerning the Place from whence ſuch Goods were brought; in ſuch caſes the Proof thereof ſhall lie on the Owner or Claimer of the Goods, and not on the Officer who ſhall ſeize the ſame. If any Officer of the Cuſtoms, Exciſe, *&c.* ſhall trade in Tea, Coffee, Brandy or other exciſeable Liquors, he ſhall not only loſe his Employment,

but also forfeit 50*l.* and be rendered incapable of any Place for the future.

All Tobacco seized for being prohibited or for Non-payment of Duty, shall after it is condemned be publickly sold; and the Officer, *&c.* making the Seizure, to be allowed a third part of the gross Sale thereof: And the Commissioners of the Customs may cause all such Tobacco as will not sell for the Duties to be burnt; and then the Officer seizing may be rewarded as they think proper, so as not to exceed 1*d. per* Pound Weight. Tobacco Stalks or Stems stripped from the Leaf are prohibited to be imported, and on Seizure and Condemnation the Commissioners of the Customs shall cause the same to be publickly burnt, and allow the Officer making the Seizure 1*d.* for every Pound of such Stalks or Stems so seized and condemned.

The Commissioners of the Customs may cause damaged Wines, as any Merchant shall refuse to pay or secure the Duties for, to be received into proper Warehouses; and instead of their being staved, spilt or otherwise destroyed by virtue of the Act 6 *Geo.* 1. *c.* 12. shall order them to be sold, to be distilled into Brandy or made into Vinegar; taking Security that such Wines be not used for any other purpose, *&c.* the Produce of which Sale shall be paid to the Merchant as a Compensation for the Freight, *&c.* not exceeding the Allowances given by 6 *Geo.* 1. And if there be an Overplus, the Commissioners shall cause the same to be replaced to the Duties, out of which the Charges for the keeping and selling the said Wines are or shall be paid. It shall be lawful for the said Commissioners to cause all Goods brought into the King's

King's Warehouſes for Security of the Cuſtoms and other Duties thereon, that ſhall have remained there ſix Months, to be ſold publickly, and the Produce applied as by the Act 12 *Ann. c.* 8. is directed.

No Drawback ſhall be allowed for Tobacco or other foreign Commodities, exported from *Great Britain* or *Ireland* to the *Iſle of Man*: And no Tobacco, Wine, Brandy, *Eaſt-India* Goods or other Commodities, but ſuch as are of the Growth or Manufacture of the *Iſle of Man*, ſhall be brought from that Iſland into the Ports of *Great Britain* or *Ireland*; on pain of Forfeiture of ſuch Goods, and the Veſſel and Tackle, *&c.* wherein found; and every Perſon who ſhall take any ſuch Commodities out of ſuch Veſſel, or carry the ſame on ſhore, or convey them from thence when landed, or be aiding and aſſiſting therein, ſhall forfeit 100*l.* or ſuffer ſix Months Impriſonment.

If any Merchant or other Perſon ſhall enter any foreign Goods for Exportation to Parts beyond the Seas, other than to the *Iſle of Man*, in order to obtain the Drawback for the ſame, and ſuch Goods ſhall be carried to that Iſland and landed there, the Exporter ſhall forfeit the Drawback or the Amount thereof, as alſo the treble Value of the Goods; and the Maſter of the Veſſel, on board of which ſuch Goods ſhall be ſo ſhipped and landed, ſhall be liable to the ſame Penalties and Forfeitures, and alſo be impriſoned ſix Months without Bail.

It is declared lawful for any Searcher or other proper Officer of the Cuſtoms, after the Entry of any Goods whereon there is a Drawback, Bounty or Præmium, or of Goods prohibited to be

be worn here, or Pepper, and before or after the shipping the same, to open and strictly examine any Bale, Truss, Chest or other Package, and see if the Goods therein are rightly entered, as to the Sorts, Quantity, Value, &c. under such Cautions and Provisions as by 8 *G.* 1. *c.* 15. And if any Goods shall be shipped for Parts beyond the Seas without a Warrant, or without the Presence of an Officer of the Customs appointed for that purpose, all such Goods or their Value shall be forfeited; one Moiety to the Crown, the other to him that will seize or sue for the same.

By the Statute 1 *Geo.* 2. *Sess.* 2. *c.* 17. there having been of late great Quantities of Wines imported, mixed with and under Pretence of Lees, which were afterwards drawn off and sold as Wine; for Remedy of this Abuse it is enacted, that the several Subsidies, additional Impost and other Duties payable to the King upon the Importation of Wine-Lees shall cease and be no longer paid: And in lieu of the said former Duties, all Wine-Lees imported shall pay the same Subsidies, Impositions and other Duties as Wines, &c. And no Drawback is to be allowed for any Lees of Wine exported.

No Wines shall be imported into this Kingdom in Flasks or Bottles, or in any Vessel or Cask, containing less than 25 Gallons, upon pain of forfeiting the same or the Value thereof; one Moiety to the King, and the other to him who shall seize, inform or sue for the same by Action of Debt, &c. But this shall not extend to prohibit the Importation of Wines of the Growth of the Dominions of the Great Duke of *Tuscany* in open Flasks, or Wines of the Growth of *Turkey*, or any other part of the *Levant* Seas, in the same

ſame manner as they have heretofore uſually been imported.

Where Certificates cannot be obtained of Cuſtom-houſe Officers or Magiſtrates of Ports, *&c.* in Parts beyond the Seas, of the landing of Silks and Goods abroad, for which Allowances are to be made on exporting the ſame; the Bonds or Securities given on the Exportation of the ſaid Goods ſhall be diſcharged and vacated, on Proof upon Oath of the Maſter or other Perſon having the Charge of the Ship during the Voyage, and alſo the Oath of the Exporter, that to the beſt of their Knowledge the Goods have been diſpoſed of in foreign Parts at the Place mentioned in the Oath, *&c.* which Proof muſt be made within eighteen Months from the Date of the Bonds.

The Act 8 *Geo.* 1. *c.* 15. and 9 *Geo.* 1. *c.* 8. ſhall not be conſtrued to make any Allowance on Exportation of any Manufactures of Stuffs mix'd with Silk, unleſs the Silk that ſhall be in the Warp, ſhall be obvious to the View of the Officer of the Cuſtoms; and the Silk therein uſed ſhall be double Value of the Bounty intended to be paid on the Exportation thereof.

*Lignum Vitæ* of the Growth or Product of the *Britiſh* Plantations in *America*, imported on the Conditions mentioned in the 8 *Geo.* 1. *c.* 12. ſhall be free from all Cuſtoms and Impoſitions whatſoever.

By the 2 *Geo.* 2. *c.* 28. ſeveral Clauſes in the Act againſt the clandeſtine running of uncuſtomed Goods, *&c.* 5 *Geo.* 1. *c.* 11. and ſeveral Clauſes in the 8 *Geo.* 1. *c.* 15. relating to the Encouragement of the Silk Manufactures of this Kingdom, and for taking off ſeveral Duties on Merchandizes exported,

exported, &c. are continued for a further time, to be in force and put in practice for the purposes in the said Acts mentioned.

And by this Act, if any Person arrested and imprisoned by virtue of any Writ of *Capias*, or Information relating to the Customs, shall make Affidavit that he is not worth, over and above his wearing Apparel, the Sum of 5*l.* and shall thereupon petition the Court wherein prosecuted to be admitted to defend himself against such Action or Information *in forma pauperis*, the Judges of the said Court shall admit him in such case, in the same manner and with the like Privileges, as they are by Law directed to admit poor Subjects to commence Actions for the Recovery of their Rights; and for that end Counsel and an Attorney, &c. shall be assigned him, to do their Duties without Fee or Reward.

By 4 *Geo.* 2. *c.* 14. any Officer of the Customs or Excise may seize Starch or Hair Powder with the Package, &c. that shall be found in any Ship or be carrying in any Carriage, where they have good reason to suspect the same hath been privately made, or clandestinely imported without Payment of Duty, or that it hath been exported and relanded, after the Duty had been repaid; and in an Information thereupon, if the Party doth not make it appear that the Duty hath been paid, &c. the said Starch and Hair Powder shall be forfeited, and the Person in whose Possession the same shall be found shall likewise forfeit 5*l.* for every hundred Weight.

If any Person shall import any Cocoa Nutshells, or Husks without the Nuts, it shall be lawful for his Majesty's Officers of the Customs, &c. to seize the same, together with the Bags, Boxes and

and other Package, and they ſhall be condemned according to Law, and be deſtroyed or diſpoſed of as his Majeſty's Commiſſioners of the Cuſtoms, Exciſe, &c. ſhall think fit, who are required to reward the Officer making the Seizure in any Sum not exceeding 20*s.* *per* hundred Weight, out of the Duties ariſing upon the Importation of Cocoa-Nuts, &c.

By the 4 *Geo.* 2. *c.* 27. any Perſons may import into this Kingdom any Quantity of rough or undreſſed Flax, without paying any Duty for the ſame; ſo as Entry be made of it in the Cuſtom-houſe, and the ſame be landed in the Preſence of the proper Officer, and the Importation is according to the Act of Navigation, 12 *Car.* 2. *c.* 18. on Failure in which Conditions the Cuſtom-Duties ſhall be paid.

There ſhall be allowed, over and above the Allowance already given, a further Reward of 1*d.* for every Ell of *Britiſh* made Sail-Cloth exported, to be paid out of the Money raiſed by the Duty laid on all foreign Sail-Cloth imported into *Great Britain*, by the Act 12 *Ann.* *c.* 16. And there ſhall not be allowed on the Re-exportation of foreign Sail-Cloth or any foreign made Sails, any Drawback of the Duties charged and paid on Importation thereof.

By 4 *Geo.* 2. *c.* 29. there ſhall be paid to every Perſon who ſhall export by way of Merchandize, any Gunpowder of the Manufacture of *Great Britain*, an Allowance of 4*s.* 6*d.* for every Barrel containing 100 Pounds neat Weight, which ſhall be paid by the Cuſtomer or Collector of the Port from whence the ſame is exported, out of any Money in his Hands ariſing from Cuſtoms, on a Debenture to be made forth according

cording to the Entry of such Gunpowder; and the shipping thereof to be verified by the Searcher, and Oath made by the Exporter that the said Gunpowder is of *British* Manufacture, and intended to be exported as Merchandize, and not for the Use of the Ship, and not intended to be relanded; the Exporter also giving Security to the Collector, in 5*l.* for each Barrel, that the Gunpowder so shipped shall not be relanded, *&c.*

And if any Gunpowder shipped to be exported, for which Allowance is hereby made, shall be relanded in any Port of *Great Britain*, contrary to the Intent and Meaning of this Act, without the Licence of one of the principal Officers of such Port first had; or unless in case of Distress to save the said Gunpowder from perishing, which shall be forthwith made known to one of the said Officers, the said Gunpowder, over and above the Penalty of the Bond, and treble the Value thereof, shall be forfeited.

By the Statute 5 *Geo.* 2. *c.* 12. the Justices of Peace for the several Counties within *England* and *Wales*, &c. wherein foreign Corn shall be imported, at their Quarter-Sessions shall give in Charge to the Grand Jury to make Presentment of the Market Prices of middling *English* Corn, of the sorts mentioned in the Act 22 *Car.* 2. *c.* 13. as commonly bought and sold in every such County: Which Presentment shall be certified by the Justices to his Majesty's chief Officer of the Customs, in every Port where such Corn shall be imported, and be hung up in the Custom-House; and the Duty of foreign Corn imported shall be paid according to the Prices contained in such Certificates. And no Warrant, Cocket, *&c.* shall be

be granted for carrying to Sea from any Port of *England* to any other Port within the ſame, any foreign Corn after the Importation thereof; and if any Perſons ſhall ſo carry any ſuch Corn, contrary to this Act, they ſhall forfeit 20*s.* for every Buſhel, and alſo the Ship or Veſſel, *&c.*

By the 5 *Geo.* 2. *c.* 21. the Commiſſioners of the Admiralty are to appoint three Sixth Rate Ships, and eight or more armed Sloops, to cruize on the Coaſt of *Great Britain* and *Ireland*, with orders for ſeizing all Veſſels in which any Worſted, Bay or Woollen Yarn, or any Stuffs or Woollen Manufactures made up of or mixed with Wool or Wool-flocks, ſhall be exported from *Ireland* into foreign Parts; and a Liſt of ſuch Ships and Sloops, with the Names of the Commanders, and Copies of their Inſtructions ſhall be ſent to the Commiſſioners of the Cuſtoms.

And the Commander of every ſuch Ship and Sloop, within the Limits of his Station, may enter and ſearch any Veſſel; and if any of the ſaid prohibited Commodities ſhall be found therein, and the Maſter ſhall not produce a lawful Cocket or Warrant, licenſing the Exportation thereof, ſuch Commander may ſeize the Veſſel and carry the ſame with the Cargo into any Port of *Great Britain* or *Ireland*; where ſuch Veſſel with all her Tackle, and all the ſaid prohibited Commodities therein ſhall be forfeited; and the Goods ſhall be lodged in the King's Warehouſe in ſuch Port into which the Veſſel is carried, until they are condemned according to Law; after which they ſhall be ſold, giving publick Notice in Writing affixed upon the Cuſtom-houſe, by Inch of Candle to beſt Bidder.

And

And every such Vessel and all her Tackle shall after Condemnation be exposed to Sale in like manner; and one fourth part of the Produce of such Sale shall be to the Commander of the Ship or Sloop that shall make the Seizure; one fourth to the other Officers of such Ship or Sloop; one fourth to the Mariners; and the other fourth part to his Majesty, after a Deduction made out of the last fourth for the Charges of Prosecution.

If such Seizure shall be made upon the Information of any Person, the Informer shall not only be indemnified from the Forfeitures to which Exporters of the said prohibited Commodities are liable, but shall also receive one fifth part on such Sales; and then the Residue shall be divided into four parts, and distributed as before directed. And no Person shall be admitted to claim Property in any Seizure, till he shall first have given Security by Recognizance to answer the Penalties.

And this Act shall not extend or be construed to make void any other Penalties or Forfeitures inflicted by any former Law, upon the Exportation of Wool and Woollen Manufactures.

By 5 *Geo.* 2. *c.* 24. it is enacted, that Coffee of the Growth of the *British* Plantations in *America*, shall, instead of the Duty of 2*s. per* Pound, charged by 10 *Geo.* 1. *c.* 10. pay an inland Duty of 1*s.* 6*d. per* Pound Weight, and no more: And the Planter or his Agent is to make Oath of the Growth before shipping, which Oath shall be produced to the Collector, *&c.* by the Person who shall enter or ship the same; who is also to make Oath or Affirmation, that it is the same Coffee mentioned in the Planter's Oath; and the Collector shall deliver a Certificate thereof to the

the Maſter of the Ship, and he ſhall before clearing make Oath of the Receipt of ſuch Coffee on board, and that he hath not nor will take on board his Ship any more Coffee before his Arrival in *Great Britain*: And then the Maſter ſhall produce all Certificates of ſuch Affidavits to the Collector of the Cuſtoms, at the Port where his Ship ſhall unlade; and at the ſame time deliver a Certificate from the Cuſtom Officers where the ſaid Coffee was ſhipped, teſtifying the particular Quantities of ſuch Coffee, and ſpecifying the Package, Marks, Numbers, *&c.* and make Oath that the Coffee is the ſame mentioned in the Certificate, and that he did not take any more on board; and upon Entry of ſuch Coffee at the Cuſtom-houſe, and paying or ſecuring the Duty, the Goods ſhall be marked, and lodged in proper Warehouſes, *&c.*

This Statute, which is full fraught with Oaths, provides that if any Perſon ſhall falſly make any Oath or Affirmation, or ſhall forge or counterfeit any Certificate, *&c.* he ſhall forfeit 200 *l.* and in the firſt caſe be impriſoned twelve Months; one Moiety of the Forfeiture to be paid to his Majeſty, and the other Moiety to the Perſon who ſhall ſue for the ſame.

By the Statute 6 *Geo.* 2. *c.* 7. all Diamonds, Pearls, Rubies, Emeralds and other precious Stones and Jewels ſhall paſs inwards without Warrant or Fee, in like manner as they now paſs outwards, and free from the Payment of any Duty; and it ſhall be lawful for any Perſons to import or export the ſame, in any Ship or Veſſel whatſoever: Provided that nothing herein ſhall make void the Duty granted for the Uſe of the *Eaſt-India* Company, by the Act 9 & 10

*W.* 3. *c.* 44. for such Pearls, Diamonds and other precious Stones or Jewels, as shall be imported into this Kingdom from any Place within the Limits of their Charter, or take away or alter any Privileges or Advantages enjoyed by the said Company.

By the 6 *Geo.* 2. *c.* 13. no Sugars, Molasses, Rum, *&c.* of the Growth or Product of *America*, except of the *British* Plantations, may be imported into *Ireland*, but such only as shall be shipped in *Great Britain*, in Ships navigated according to Law, under the Penalty of forfeiting all such Sugars, *&c.* or the Value, and the Ship or Vessel, which may be seized by Warrant of any Magistrate or by any Custom-house Officer, *&c.* And Persons assisting in such unlawful Importation, or who shall receive into their Custody any such Commodities, knowing the same to be imported contrary to this Act, shall forfeit treble the Value of the Goods. If any Person shall hinder any Custom or Excise Officer, in the Execution of their Duty in seizing the said Commodities; or any such Officer shall connive at the Importation thereof, *&c.* in either case, 50*l.* Penalty is inflicted: And the Master of the Ship taking in any Sugar, *&c.* or permitting it, shall forfeit 100*l.*

In case any Sugar or Paneles of the Produce of any of the Colonies belonging to his Majesty, imported into *Great Britain*, shall at any time within one Year after the Importation be again exported, and due Proof made by Certificate from the proper Officers, of the Entry and Payment of the Duties charged upon Importation, together with the Oath of the Merchant or his Agent importing and exporting the same, the

Reſidue of the Duty charged thereon by any former Acts ſhall be repaid within one Month. And for every hundred Weight of Sugar refined in *Great Britain*, which ſhall be exported, there ſhall be repaid at the Cuſtom-houſe to the Exporter, over and above the ſeveral Sums of 3*s.* and 1*s.* *per* Hundred, payable by the 9 & 10 *W.* 3. *c.* 23. & 2 & 3 *Ann. c.* 9. the further Sum of 2*s.* Oath being made by the Refiner, that the Sugar ſo exported was produced from Brown and Muſcovado Sugar, and as he believes imported from ſome of the Plantations belonging to the Crown of *Great Britain*; and that the Duty was paid at importing it, and the ſame was duly exported, his Majeſty's Searcher alſo certifying the ſhipping thereof.

The Expence of proſecuting any Offence againſt this Act in the above-mentioned caſes, ſhall be paid and born out of the Shares of the Forfeitures given to his Majeſty on any Seizure, *&c.* But nothing herein contained ſhall reſtrain the Importation of Sugars of the Product of any of the Dominions of *Spain* or *Portugal*, from Places from whence ſuch Sugars might have been lawfully imported before the making of this Act.

By 6 *Geo.* 2. *c.* 17. the Duty of 30*l.* *per* Ton on *French* Brandy of ſingle Proof, and 60*l.* on ſuch Brandy of double Proof, granted by 7 & 8 *W.* 3. *c.* 20. ſhall ceaſe; in lieu of which there ſhall be paid to his Majeſty, over and above the other Duties payable for the ſame, a Duty of * Ex-

* *Note*, this Act 6 *Geo.* 2. *c.* 17. laying a Duty of *Exciſe* on imported Brandy, and 10 *Geo.* 1. *c.* 10. granting *Inland Duties* on Coffee, Tea, *&c.* and the 11 *Geo.* 1. *c.* 30. ſeem to be leading Acts to a *General Exciſe* on Wines and Merchandize.

ciſe of 1 *s.* for every Gallon of ſingle Brandy imported, and 2 *s. per* Gallon for double Brandy; to be paid by the Importer before landing, and collected in the ſame manner, *&c.* as the Duties of Exciſe.

On the Exportation of Spirits drawn from Corn in *Great Britain*, without any Mixture with other Materials, and on Oath made thereof, and of Payment of the Duties, and that the ſame are exported for Merchandize to be ſpent beyond the Seas; upon producing a Certificate under the hands of the Officers of Exciſe for the Port where ſuch Spirits were ſhipped, of the Quantity ſo ſhipped, and its being done in their Preſence, *&c.* the Perſons exporting the ſame ſhall be allowed by the Commiſſioners of Exciſe, or their Collector for the Place where ſuch Spirits ſhall be ſhipped off, the Sum of 4 *l.* 18 *s.* for every Ton, in full of all Bounty, except what is payable at the Cuſtom-houſe. And for every Ton of Spirits drawn from Barley, Malt or other Corn there ſhall be paid to the Exporter, by the Commiſſioners of his Majeſty's Cuſtoms, when Barley is at 24 *s. per* Quarter or under, upon Proof of the Exportation, the Sum of 1 *l.* 10 *s.* as if the like Quantity of Barley, *&c.* had been exported according to the Act 1 *W. & M. c.* 12.

The Duties on Rum and Spirits of the Growth or Manufacture of the *Britiſh* Plantations in *America* are not altered by this Act: And for ſecuring the due Execution of the ſeveral Acts and Proviſions therein for preventing the running of Brandies, it is enacted, that when any Officer of the Cuſtoms ſhall neglect to ſeize and proſecute any Veſſel, Horſes or Carriage which ſhall be forfeited

feited for ſuch Cauſes, ſuch Officer being convicted thereof ſhall forfeit 50*l.* for every Neglect, one Moiety to the King, and the other to the Informer, to be levied by Diſtreſs and Sale of his Goods, by Warrant of a Juſtice of Peace, *&c.*

And by 7 *Geo.* 2. *c.* 14. the ſame Subſidies, Duties and Exciſe payable upon foreign Brandy and Spirits imported ſhall be paid for Arrack imported from any of his Majeſty's Colonies in the *Eaſt-Indies*, and the like Allowance ſhall be made on the Exportation thereof: The ſaid Duties and Exciſe upon Arrack to be raiſed as the Duties on Brandy or other foreign Spirits; and the Commiſſioners of the Cuſtoms and Commiſſioners of the Exciſe ſhall pay the Monies that they ſhall receive of the ſaid Duties into the Exchequer, diſtinct from all other Branches of the Revenues.

By the 7 *Geo.* 2. *c.* 18. & 19. a former Act for the free Importation of Cochineal is revived; and it ſhall be lawful for any Perſons to import into this Kingdom, in any Ship or Veſſel belonging to *Great Britain*, or to any State in Amity with his Majeſty, from any Place whatſoever, Indico of all ſorts. If any foreign Hops ſhall be landed in *Great Britain* before Entry made at the Cuſtom-houſe, and the Duties paid, or without a Warrant ſigned by the proper Officer of the Cuſtoms; or if any Hops, other than of *Britiſh* Growth, ſhall be landed in *Ireland*, all ſuch Hops ſhall be burnt within ten Days after the ſame are condemned, and the Ship forfeited; and the Perſons concerned in importing them ſhall forfeit 5*s.* for every Pound Weight. And Perſons mixing with Hops any other thing to alter the Colour or Scent, either in *Great Britain* or *Ireland*, are liable to a

Forfeiture of 5 *l.* for every hundred Weight thereof; one Moiety of the ſaid Penalties ſhall be to his Majeſty, and the other Moiety to him that will ſue for the ſame.

By 8 *Geo.* 2. *c.* 21. the ſeveral Clauſes in the Act 5 *Geo.* 1. *c.* 11. againſt clandeſtine running uncuſtomed Goods, and for preventing Frauds in the Cuſtoms, *&c.* relating to foreign Goods and Merchandizes taken at Sea, in order to be landed or put into any other Ship or Veſſel; and relating to Goods not reported, found after clearing Ships; and againſt relanding Goods prohibited to be worn in this Kingdom, and foreign Goods ſhipped for Parts beyond the Seas; and relating to the opening or altering the Package of Goods on board Ships outward bound; and relating to Ships hovering on the Coaſts, of fifty Tons or under; and alſo concerning the Package in which Coffee ſhall be exported; and relating to Rum imported in Caſks not containing twenty Gallons at leaſt; and relating to Certificate Goods to be exported to *Ireland*; ſhall be further continued until the Year 1742. And the Act 8 *Geo.* 1. *c.* 18. to prevent running of Goods, *&c.* is alſo continued to the like time.

By the Statute 9 *Geo.* 2. *c.* 35. all Subjects of *Great Britain* who before this Act incurred any Penalty for clandeſtine running of prohibited Goods, or any foreign Goods liable to Cuſtoms and Exciſe, or for making any falſe Report or Entry of any Ship, inwards or outwards, or for breaking Bulk before Report made, or for altering the Package of any Goods, or for landing Goods without the Preſence of an Officer, or deſtroying them after Seizure, and any Perſons who have beat or hindred any Officer of the Cuſtoms

Cuſtoms or Exciſe in the Execution of their Duty, or that have given or offered any Bribe to any ſuch Officer, and all Perſons aiding and aſſiſting in the committing any of the ſaid Offences ſhall be indemnified from all Penalties and Forfeitures: And the Perſons ſo indemnified ſhall diſcharge all Proceedings by them againſt Officers of the Cuſtoms, &c.

But every Perſon and Perſons who ſhall take the Benefit of this Act, and ſhall afterwards commit any of the Offences before mentioned, or that are herein after mentioned, ſhall be ſubject to be proſecuted not only for ſuch new Offence, but alſo for the Offences committed before this Act; and if for any former Offence the Perſon is liable to be tranſported, and he ſhall afterwards commit any of the Offences for which he is now to be tranſported, ſuch Perſon ſhall ſuffer Death as in caſes of Felony without Benefit of Clergy. And this Act ſhall not diſcharge any Judgment that is actually levied, and the Monies or Things recovered taken in Execution; nor any Judgment in reſpect to ſuch part thereof as belongs to the Informer, until he is paid the Coſts of ſuch Suit.

And all Perſons that have compounded with the Commiſſioners of the Treaſury, or any of the Barons of the Exchequer, or Commiſſioners of the Cuſtoms or Exciſe, for or in reſpect of the above-mentioned Offences, or the Forfeitures or Penalties ariſing thereby, ſhall make good ſuch Compoſitions, or in Default thereof ſhall be excluded from all Benefit and Advantage of this Act; except out of this Act all Seizures of Goods, Ships, Veſſels, Horſes, &c. forfeited by any Law relating to the Cuſtoms or Exciſe; and alſo all Cuſtoms and Sums of Money due upon lawful

Importation of Goods, and Debts on Bond or other Contract; and all Debts and Demands due to his Majesty on Account of Debentures or Certificates wrongfully obtained, or become void by relanding of the Goods; and all other Debts and Demands for Customs, Excise and other Duties concerning which there is any Action or Prosecution now depending.

If any Persons, to the Number of three or more, are or have been assembled near the Sea-Coasts and Shores of navigable Rivers, or in any other Parts, for running of uncustomed Goods, armed with Fire-Arms or other offensive Weapons, upon Information thereof on Oath before any Justice of the Peace, he shall grant his Warrant to the Constables and Peace-Officers to take to their Assistance as many Persons as may be thought necessary, for apprehending every Person against whom such Information shall be given; and being apprehended, the Justice upon due Examination, if he find Cause, may commit the Offenders to the next County Gaol, there to remain without Bail until they be discharged by Law: And every such Offender, on Proof of his being assembled and armed, in order to be assisting in the clandestine running prohibited or uncustomed Goods, and upon Conviction for such Offence shall be adjudged guilty of Felony, and be transported for seven Years as a Felon. And any Person who shall apprehend any Offender, so as he be convicted of the Offence, shall have 50*l.* Reward.

All Persons who, to the Number of two or more in Company, shall be found passing within five Miles from the Sea-Coasts or of any navigable River, with Horse or Carriage, whereon there

there ſhall be laden more than ſix Pounds of Tea, or Brandy exceeding five Gallons, not having paid the Duties and not having Permits for the ſame; or any other foreign Goods above the Value of 30*l.* landed without due Entry and Payment of Duties, and ſhall carry any offenſive Weapons, or wear any Maſk or other Diſguiſe, or ſhall forcibly reſiſt any Officers of the Cuſtoms or Exciſe in the Execution of their Office, ſhall be taken to be Runners of Goods, within the Act 8 *Geo.* 1. *c.* 18. And all and every Perſon and Perſons convicted of any of the ſaid Offences ſhall be guilty of Felony, and be tranſported as Felons for ſeven Years.

And all the Goods, Wares and Merchandizes ſo found, and Arms of ſuch Perſons, and the Furniture to their Horſes and Carriages, and Package of all Goods ſhall be forfeited. And if any Officer of the Cuſtoms or Exciſe, or other Perſon, (who being hindered, may oppoſe force to force by the ſame Methods that are violently uſed againſt them) ſhall be maimed or dangerouſly wounded, by any Offenders herein laſt mentioned, in executing his Office or apprehending the ſaid Offenders; ſuch Officers and Perſons ſo maimed and wounded ſhall have 50*l.* over and above any other Reward; and in caſe any Perſon be killed in the apprehending ſuch an Offender, the Executors or Adminiſtrators of the Perſon killed (on Certificate of the Fact by the Juſtice of Aſſize for the County or two next Juſtices of Peace) ſhall have and receive 50*l.* above any other Reward. And if any Perſon ſhall, within three Months after any of the ſaid Offences ſhall have been committed, diſcover to the Commiſſioners of the Cuſtoms or Exciſe any

any Person guilty of such Offence, so as he be convicted thereof, such Discoverer shall have 50*l.* for every Offender so convicted, *&c.* The Rewards to be paid by the Receiver General or Cashier of the Customs and Excise, out of any publick Money in their Hands, by order of the Commissioners, and upon producing the proper Certificates from the Judge of the Offender's Conviction, *&c.*

On Information before one of his Majesty's Justices of Peace, that any Persons are lurking, waiting or loitering within five Miles of the Sea-Coast or any navigable River, and that there is reason to suspect they wait with Intent to be aiding in running Goods, it shall be lawful for such Justice to cause the Persons to be brought before him, and to grant Warrants for taking them up; and if such Persons shall not give a satisfactory Account of themselves, or make it appear that they are not concerned in carrying on any fraudulent Trade, and are not at such Place with any Intent to carry on the said clandestine Practices; every Person not giving such Satisfaction to the Justice shall be committed to the House of Correction, to be whipt and kept to hard Labour for any time not exceeding one Month; and the Commissioners of the Customs or Excise shall cause to be paid to the Person informing of such Offender, a Reward of 20*s.* for every one so taken.

And if any Person shall offer any Tea, Brandy or other Spirits to Sale not having a Permit; or if any Hawker or Pedlar shall offer such Tea, Brandy, *&c.* to Sale, altho' he have a Permit; it is declared to be lawful for every Person to whom the same shall be so offered to Sale, to stop such

ſuch Tea, Brandy or Spirits, and carry the ſame to the next Warehouſe belonging to the Cuſtoms or Exciſe, and to bring the Perſon offering it to be ſold before a Juſtice of Peace, to be committed to Priſon, and proſecuted for the Penalties incurred for ſuch Offence; which may be done in the Name of the Perſon who ſtopped the Goods, as if they had been ſeized by any Officer; and after Condemnation of the Goods, the Perſons ſeizing the ſame ſhall be intitled to one third part of the groſs Produce of the Sale of the ſaid Goods; and in the mean time, if it be deſired, the Commiſſioners may cauſe 1*s.* for every Pound of Tea, and 1*s.* for every Gallon of Brandy ſo ſeized, to be paid to ſuch Perſons.

In caſe any foreign Goods ſhall by any Veſſel be taken in at Sea within four Leagues from the Coaſts of this Kingdom, without Payment of the Cuſtom-Duties, (unleſs in caſe of Neceſſity or for ſome other lawful reaſon, of which Proof is to be made) ſuch Goods ſhall be forfeited; and the Maſter of the Ship taking in the ſame, and all Perſons concerned in the unſhipping or receiving of the ſaid Goods, ſhall forfeit treble the Value; and the Veſſel into which ſuch Goods ſhall be unſhipped ſhall alſo be forfeited, if not exceeding the Burthen of one hundred Tons. And all Watermen, Carmen, Porters, *&c.* imployed in carrying Goods and Merchandizes run or clandeſtinely imported, in whoſe Cuſtody the ſame ſhall be knowingly, and who ſhall be thereof lawfully convicted before one Juſtice of Peace, ſhall forfeit treble the Value of ſuch Goods; or be committed to the Houſe of Correction, and whipt and kept to hard Labour for three Months.

Where

Where any Veſſel coming from foreign Parts, and having on board ſix Pounds of Tea or any foreign Brandy or other Spirits, in Caſks under ſixty Gallons (except for the Uſe of the Seamen, not exceeding two Gallons for each Man) ſhall be found at Anchor or hovering within the Limits of any of the Ports of this Kingdom, or within two Leagues of the Shore, or ſhall be diſcovered to have been within the Limits of any ſuch Port, and not proceeding in her Voyage, Wind and Weather permitting, (and caſes of Neceſſity excepted) all ſuch Tea, Brandy and Spirits, together with the Package or the Value ſhall be forfeited, and the ſame may be ſeized and proſecuted or the Value ſued for, by any Officer of the Cuſtoms or Exciſe.

It ſhall be lawful for any Officer of the Cuſtoms or Exciſe (producing his Warrant or Deputation, if required) to go on board any coaſting Ship within the Limits of the Ports, and to rummage and ſearch the Cabbin and all other parts of ſuch Ships for prohibited and uncuſtomed Goods, and to ſtay on board during the time they ſhall continue in the Limits of any ſuch Port; and if any Perſon ſhall hinder any Officer of the Cuſtoms, *&c.* in going or remaining on board any ſuch coaſting Ship or in the ſearching thereof, ſuch Perſon ſhall forfeit 100*l.* Alſo if any Officer of the Cuſtoms or Exciſe, being on board any Veſſel within the Limits of any Port, be with Force oppoſed, obſtructed, wounded or beaten in the Execution of his or their Office, every Perſon ſo oppoſing, obſtructing, wounding and beating the ſaid Officers, and all ſuch as ſhall act in their Aſſiſtance, ſhall, by order of the Court before whom ſuch Offenders ſhall be convicted,

victed, be tranſported for ſuch Term as the ſaid Court ſhall think fit, not exceeding ſeven Years; and if any ſuch Offenders return into *Great Britain* or *Ireland* before the Expiration of the Term, they ſhall ſuffer as Felons without Benefit of Clergy.

All Goods found concealed on board any Ship, after the Maſter ſhall have made his Report at the Cuſtom-houſe, and not mentioned in the ſaid Report, ſhall be forfeited, and may be ſeized by any Officer of the Cuſtoms; and the Maſter or other Perſon having the Charge of ſuch Ship, in caſe it appears that he was any ways privy to ſuch Fraud or Concealment ſhall forfeit treble the Value of the Goods ſo concealed. And if any Perſon or Perſons ſhall offer any Bribe to any Officer of the Cuſtoms or Exciſe, to do any Act whereby his Majeſty might be defrauded in his Revenues, ſuch Perſons ſhall for every ſuch Offence (whether the ſame Offer ſhall be accepted or not) forfeit the Sum of 50*l.*

The Forfeitures in this Act, not otherwiſe directed and provided, may be ſued for in any of his Majeſty's Courts of Record at *Weſtminſter*; and one Moiety of the ſaid Forfeitures ſhall be to his Majeſty, and the other Moiety to ſuch Perſon as ſhall inform, proſecute or ſue for the ſame. Where any Proceſs ſhall iſſue againſt Perſons proſecuted, the Sheriff, *&c.* having the Execution thereof, on Requeſt of the known Solicitors for the Cuſtoms or Exciſe in Writing upon the back of the Proceſs, ſhall grant ſpecial Warrants to Perſons named for apprehending the Offenders.

And any Indictment or Information for any Aſſault made upon any of the Officers of the Cuſtoms

Customs or Excise, may be inquired of, tried and determined in any County of *England*, &c.

By the 9 *Geo.* 2. *c.* 37. all foreign made Sail-Cloth entered as *Holland*'s Duck, or *Vitry* Canvas fit for Sails, which shall be imported, and for which any Duties are payable, shall be stamped at the time of the landing thereof at or in the Port where the same shall be imported or landed: The Commissioners of the Customs to provide Stamps, with which every Piece of foreign Sail-Cloth after the Duty paid is to be stamped, expressing the Country from whence the same was imported, *&c.* If any Person shall counterfeit any such Stamp, he shall be liable to the Penalty of 50 *l.* The like Penalty is inflicted on Persons exposing to Sale such foreign Sail-Cloth with a counterfeited Stamp, knowing the same to be counterfeit. And no Person shall make into Sails or Tarpawlins any foreign made Sail-Cloth imported not stamped, on pain of forfeiting such Sails and Tarpawlins, and also 20 *l.*

And every Ship or Vessel which shall be built in *Great Britain* or in any of his Majesty's Plantations in *America*, shall upon her first setting out and being navigated at Sea, have one compleat Sett of Sails made of Sail-Cloth manufactured in this Kingdom; and in case such Ship or Vessel shall not be fitted and furnished as aforesaid, the Master shall forfeit 50 *l.* one Moiety to the King, and the other to the Person suing for it by Action of Debt, *&c.*

By the 10 *Geo.* 2. *c.* 30. it is enacted, that in lieu of the former Duties payable *ad valorem* for all Oysters imported from *France*, such Oysters shall be rated at 7 *d. per* Bushel, Strike Measure, accord-

according to the *Wincheſter* Corn Buſhel; and ſhall pay the old Subſidy granted by the Act 12 *Car.* 2. *&c.* according to that Rate. By 10 *Geo.* 2. *c.* 27. the Statute 4 *Geo.* 2. for granting an Allowance upon the Exportation of *Britiſh* made Gunpowder is further continued: There ſhall not be allowed on the Re-exportation of foreign Paper, any Drawback of the Cuſtoms paid on Importation. And this Act grants a Duty upon all Apples imported into *Great Britain*, (over and above the Duties already impoſed thereon) of 2 *s.* *per* Buſhel, to be paid in ready Money before landing thereof.

And by 10 *Geo.* 2. *c.* 17. a Duty is granted on Sweets or made Wines made in *Great Britain* for Sale, from foreign or *Britiſh* Fruit and Sugar, or from Fruit and Sugar mixed with other Ingredients, 12 *s.* for every Barrel, to be under the Management of the Commiſſioners of Exciſe: The Makers of theſe Wines for Sale are to enter the Places made uſe of, *&c.* on pain of forfeiting 20 *l.* And Perſons retailing ſuch made Wines are to be licenſed by two Juſtices of Peace, *&c.* This Act ſhall not extend to Wines produced from *Britiſh* Vineyards.

An Act made 10 *Geo.* 2. lays an additional Duty of two Shillings *per* Buſhel upon all Apples which ſhall be imported or brought into this Kingdom over and above all Cuſtoms, Subſidies and Duties before then impoſed thereon;

And continues the Act 4 *Geo.* 2. for granting an Allowance upon the Exportation of *Britiſh* made Gunpowder for ſeven Years;

And enacts, that there ſhall not be allowed on the Re-exportation of any foreign Paper any Drawback or Repayment of any of the Cuſtoms

or

or Duties paid on the Importation thereof into this Kingdom.

An Act 13 *Geo.* 2. continues ſo much of an Act paſſed in the 2 *Geo.* 2. for better Preſervation of his Majeſty's Woods in *America*, and for the Encouragement of the Importation of Naval Stores from thence, *&c.* as relates to the Præmiums upon Maſts, Yards and Bow-ſprits, Tar, Pitch and Turpentine for thirteen Years;

And continues an Act paſſed in the 9 *Geo.* 2. for further encouraging and regulating the Manufacture of *Britiſh* Sail-Cloth, and for the more effectual ſecuring the Duties now payable on foreign Sail-Cloth imported into this Kingdom, to the 25 *December* 1750.

And continues an Act made in the 6 *Geo.* 2. for the further Encouragement of the Whale Fiſhery to 25 *December* 1750, with an additional Allowance of 10*s.* *per* Ton, during the then preſent War, over and above the Allowance of 20*s.* *per* Ton by the ſaid Act directed to be paid.

An Act made 15 & 16 *Geo.* 2. impowers the Importers or Proprietors of Rum or Spirits of the *Britiſh* Sugar Plantations, to land and lodge the ſame in Warehouſes at their own Expence, before Payment of the Duties of Exciſe charged thereon.

An Act made 15 & 16 *Geo.* 2. for granting to his Majeſty an additional Duty on foreign Cambricks imported into *Great Britain*, and for allowing thereout a Bounty upon certain Species of *Britiſh* and *Iriſh* Linens exported, enacts, that over and above all Subſidies, Duties, Impoſitions and Payments already payable to his Majeſty, for ſuch foreign Cambricks which ſhall be imported into *Great Britain*, there ſhall be collected and

and paid a further Duty of 1*s.* 5*d.* on every half Piece of foreign Cambrick, and 2*s.* 10*d.* for every whole Piece; and out of the ſaid additional Duty gives a Bounty of one Penny for every Yard of *Britiſh* and *Iriſh* Linens made of Hemp or Flax of the Value of 6*d. per* Yard, and not exceeding the Value of 12*d. per* Yard, and of one Half-penny for every Yard of ſuch Linens under the Value of 6*d. per* Yard, which ſhall be exported out of *Great Britain* within the Term of ſeven Years from the 25 *March* 1743, to *Africa*, *America* or *Portugal*, or to *Spain*. But this Bounty is not to be paid unleſs the Exporter uſually reſides in *Great Britain*.

An Act 15 & 16 *Geo.* 2. continues the Act made in the 5 *Geo.* 1. againſt clandeſtine running of uncuſtomed Goods, and for the more effectual preventing of Frauds relating to the Cuſtoms, and the Act made in the 8 *Geo.* 1. to prevent the clandeſtine running of Goods, *&c.* to the 1 *June* 1747.

An Act made in the 15 & 16 *Geo.* 2. continues the ſeveral Laws for the Encouragement of making of Sail-Cloth in *Great Britain*, and of the Silk Manufactures of this Kingdom, and for allowing a Drawback on the Exportation of Copper Bars imported, to the 1 *June* 1747.

By an Act made in the 17 *Geo.* 2. for repealing the Duties payable upon Glaſs Beads, and for granting other Duties in lieu thereof, and for allowing the ſame Drawbacks on the Exportation of refined Borax and Camphire which are allowed on the Exportation of unrefined Borax and Camphire, and for preventing the fraudulent Exportation of *Iriſh* Linens for the ſake of the Bounty allowed by an Act made in the 15 & 16

*Geo.* 2. it is enacted, that the Duties on Glass Beads which shall be imported after the 4th *June* 1744. shall cease and determine, and that in lieu thereof there shall be paid for all Glass Beads imported into *Great Britain*, whether plain or manufactured, mixed or coloured, the same Subsidies, Impositions and Duties as are payable for great Bugles imported, with the like Discounts and Allowances on Importation, and the same Drawbacks on Exportation and under the same Penalties and Forfeitures, but that this Act shall not be construed to extend to lessen or alter the Rates or Duties on small or seed Bugle;

And that all Borax and all Camphire which shall be refined in *Great Britain*, upon Oath made by the Refiner thereof, that the said Borax and Camphire entered for Exportation were produced from the very same Borax and Camphire which had been imported into *Great Britain* unrefined, and for which the Customs and Duties had been duly paid at the time of the Importation thereof, and that the same were duly exported, the Searcher also certifying the shipping thereof, and all other Requisites being duly performed, shall be entitled unto and have the same Drawback of all the several Duties as a like Quantity of unrefined Camphire is now by Law entitled to;

And that when the proper Officers of the Customs have viewed and examined any such Linens as shall be entered at the Value of 12 *d. per* Yard or under, if it shall appear that such Linen is of greater Value, the Exporter shall on Demand made in writing, deliver all such Goods into his Majesty's Warehouse at the Port of Exportation, for the Use and Benefit of the Crown,

and ſhall receive 13*d. per* Yard for the ſame; and if he refuſe to deliver ſuch Linen and to receive the 13*d. per* Yard in full Satisfaction for the ſame, or if the Linens ſhall be leſs in Quantity than what is expreſſed in the Endorſement on the Cocket, or if the ſame are entered under a wrong Denomination, that then in every ſuch Caſe all ſuch Linens ſhall be forfeited and loſt, and may be ſeized by any Officer of the Cuſtoms.

An Act made in the 18 *Geo.* 2. for granting to his Majeſty ſeveral additional Duties upon all Wines imported into *Great Britain*, &c. enacts, that from and after the 25 *March* 1745, over and above all Subſidies of Tonnage and Poundage, and all other Subſidies, additional Duties and Impoſitions whatſoever due or payable for all Wines and Vinegar imported into *Great Britain*, by any Acts of Parliament now in force, there ſhall be raiſed, levied and collected the additional Impoſitions, Rates or Duties following, without any Diſcount inwards or Drawback on Re-exportation afterwards; for every Ton of *French* Wine and *French* Vinegar which ſhall be imported into this Kingdom the Sum of 8*l.* and for every Ton of all other Wines and Vinegar the Sum of 4*l.* and in the ſame Proportion for any greater or leſſer Quantity; but it is provided that this Act ſhall not extend to lay any further Duties upon damaged or unmerchantable Wines.

An Act made in the 18 *Geo.* 2. for repealing the Inland Duty of 4*s. per* Pound Weight upon all Tea ſold in *Great Britain* impoſed by an Act of the 10 *Geo.* 1. and for granting to his Majeſty certain other Inland Duties in lieu thereof,

enacts, that from and after the 24th Day of *June* 1745, in lieu of the Duty by this Act repealed, 1*s.* *per* Pound Weight Averdupois, and in that Proportion for a greater or leſſer Quantity, and alſo a further Duty of 25*l.* for every hundred Pounds of the groſs Price at which ſuch Teas ſhall be ſold at the publick Sales of the united Company of Merchants of *England* trading to the *Eaſt-Indies*, over and above all Cuſtoms, Subſidies and Duties upon the Importation thereof, ſhall be paid down in ready Money by the Proprietor or Proprietors of ſuch Tea to the Receiver or Collector of the Inland Duties, before it ſhall be taken out of the Warehouſe or Warehouſes wherein it was lodged for any Purpoſe whatſoever, according to the Directions of the ſaid recited Act.

And it is further enacted, that no Drawback whatſoever ſhall be allowed or paid for any Tea which ſhall be exported or ſhipped to be exported at any time or times after the ſaid 24th Day of *June* 1745, and that no Debenture or Certificate ſhall be granted or made forth for or in order to the Repayment or drawing back of the Duties upon any ſuch Tea ſo exported or ſhipped to be exported, but that ſuch Drawback or Repayment ſhall from thenceforth ceaſe, determine and be no longer paid.

And the ſaid united Company of Merchants of *England* trading to the *Eaſt-Indies*, and their Succeſſors may, that they may always have a Quantity of Tea ſufficient to anſwer the Conſumption thereof in *Great Britain*, import into *Great Britain*, in *Britiſh* Ships navigated according to Law, ſuch Quantities of Tea as they ſhall think neceſſary from any Parts of *Europe*, ſubject

ject to the ſeveral Duties payable for Tea conſumed in *Great Britain*, and alſo to the ſame Rules, Methods and Directions as are preſcribed and given with reſpect to Tea imported by them from the *Eaſt-Indies*, ſo as notice be firſt given of the Quantity of Tea intended to be imported, with the Name of the Ship and Maſter in which the ſame is to be laden, to the Commiſſioners of his Majeſty's Treaſury or the High Treaſurer for the time being, and a Licence taken under their Hands, or any three or more of them, for the lading and importing thereof as aforeſaid.

And if the ſaid Company ſhall at any time neglect to keep this Market ſupplied with a ſufficient Quantity of Tea, at reaſonable Prices, to anſwer the Conſumption thereof in *Great Britain*, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any three or more of them, or the ſaid High Treaſurer for the time being, to grant Licences to any other Perſon or Perſons, Body or Bodies Politick or Corporate, to import Tea into *Great Britain* from any Parts of *Europe*, in ſuch and the like manner, and ſubject to ſuch Duties and under ſuch Reſtrictions and Limitations as are herein before preſcribed and directed: Provided always that all Tea imported into *Great Britain* from any part of *Europe*, after the ſaid 24th *June* 1745, by the Company or any other Perſon or Perſons, or Bodies Politick or Corporate, ſhall be entered at the Cuſtom-houſe, and pay or ſecure the ſeveral Subſidies and additional Impoſitions now chargeable upon all Teas imported by the Company from the *Eaſt-Indies*.

An Act made in the 18 *Geo.* 2. for prohibiting the wearing and Importation of Cambricks and *French* Lawns enacts, that no Cambrick or *French* Lawn shall be worn under the Penalty of 5*l.* for every Offence after the 24 *June* 1748, that Sellers of Cambricks or *French* Lawns shall forfeit 5*l.* that if any Person be prosecuted for wearing Cambricks or *French* Lawns, and shall upon Oath discover the Seller, he shall be discharged of the Penalty, and the Seller shall be liable thereto. That after the 10th *May* 1745, no Cambricks, *&c.* shall be imported till Proof be made that they are the Property of the Importer or some of his Majesty's Subjects: That after the 1st of *August* 1745, no Cambricks, *&c.* shall be imported without Proof that they were shipped for direct Importation before the said Day; that it shall be lawful to import into any part of *Great Britain*, after the 1st *August* 1746, any Cambricks, *French* Lawns or other Linen whatsoever under those Denominations, upon Proof that they are the Importers or other Subject's Property, and Security to be given that they shall be exported within the Term of three Years after the Entry of the same.

An Act made in the 20 *Geo.* 2. continues so much of an Act 12 *Geo.* 2. for prohibiting the Importation of Books reprinted abroad, *&c.* as relates to the prohibiting the Importation of Books reprinted abroad, and first composed or written and printed in *Great Britain*, till the 29 *September* 1754;

And continues several Clauses in the Act made the 5 *Geo.* 1. against clandestine running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs, which relate

relate to ſuch foreign Goods, Wares and Merchandizes as ſhall be taken at Sea out of any Ship or Veſſel, in order to be landed or put into any other Ship, Veſſel or Boat, and to Goods not reported and found after clearing Ships; and whereby further Remedies are provided againſt relanding Goods prohibited to be worn in this Kingdom, and foreign Goods ſhipped out for Parts beyond the Seas; and to the opening or altering the Package of Goods on board Ships outward-bound; and to hovering Ships or Veſſels of the Burthen of 50 Tons or under; and the Bales or Package in which Coffee ſhall be exported; and to Rum imported in Caſks or Veſſels not containing twenty Gallons at leaſt; and to certificate Goods entered in order to be exported to *Ireland*; which ſaid ſeveral Clauſes have been continued from time to time, and are further continued till the 1ſt *June* 1754;

And continues an Act made in the 8 *Geo.* 1. to prevent the clandeſtine running of Goods, *&c.* (except ſo much of the ſame Act as relates to Ships or Veſſels performing Quarantine) which has been continued from time to time, till the 1ſt *June* 1754;

And continues an Act made in the 7 *Geo.* 2. for the Revival of an Act made in the 13 *Geo.* 1. entitled an Act for the free Importation of Cochineal and Indigo, which has been continued from time to time, till the 1ſt *June* 1754.

An Act made in the 20 *Geo.* 2. continues the Act 12 *Anne* for the better Encouragement of the making of Sail-Cloth in *Great Britain*, which has been continued from time to time, till the 1ſt *June* 1754;

And ſeveral Clauſes in the Act 8 *Geo.* 1. for the Encouragement of the Silk Manufactures of this Kingdom, and for taking off ſeveral Duties on Merchandizes exported, and for reducing the Duty upon Beaver-Skins, Pepper, Mace, Cloves and Nutmegs imported, and for Importation of all Firs of the Product of the *Britiſh* Plantations into this Kingdom only, *&c.* which have been continued from time to time, till the 1ſt *June* 1754.

By *Stat.* 21 *Geo.* 2. *c.* 2. over and above all Subſidies of Tonnage and Poundage, and all additional Duties, *&c.* already payable, a further Subſidy of Poundage of 12*d.* in the Pound ſhall be paid upon all manner of Goods or Merchandizes by the Importer before the landing thereof, according to the ſeveral particular Rates and Values of the ſame Goods, *&c.* as the ſame are now rated and valued in the reſpective Books of Rates, *&c.* and ſo after that Rate or Value, or which now do pay any Duty *ad valorem.*

All Goods and Merchandizes imported by the *Eaſt-India* Company, which are not rated by any Act of Parliament, ſhall pay the ſaid Subſidy of 5*l. per Cent.* on the groſs Price for which the Goods ſhall be ſold at the Candle.

This Act ſhall not extend to any Goods which are now allowed to be imported Duty free, nor to any prohibited Goods which are allowed to be imported by the *Eaſt-India* Company. The Importers of Tobacco ſhall, upon paying the ſaid Subſidy, have the ſame Allowance with reſpect to this Subſidy as they are entitled to upon Tobacco imported; but if the ſaid Subſidy be not paid down, then the Importer is to give Security for Payment of the ſaid Duty.

Where

Where any Goods that have paid the ſaid Subſidy ſhall be again exported within three Years, the ſaid Subſidy ſhall be repaid, except for Goods, as by any former Statute it is declared no Drawback ſhall be paid.

For every hundred Weight of Sugar refined in *Great Britain* and exported, there ſhall be repaid 3*s.* over and above the preſent Bounties.

So much of the *Stat.* 20 *Geo.* 2. *c.* 45. as relates to the Nonpayment of the Duties of Cuſtoms or Exciſe on Prize Goods exported is repealed, and the Subſidy hereby granted ſhall not be drawn back on the Exportation of any Prize Goods.

By *Stat.* 21 *Geo.* 2. *c.* 14. Tea may be exported to *Ireland* or *America* without paying the Inland Duty given by the *Stat.* 18 *Geo.* 2. *c.* 26. which is 1*s.* *per* Pound Weight, and 25*l.* *per Cent.* of the groſs Price at which the Tea ſhall be ſold at the publick Sale of the *Eaſt-India* Company, the Proprietor giving Security in double the Value of the Goods for the real Exportation. No Tea ſhall be exported in any Cheſt, *&c.* other than in which it was originally imported, nor in any leſs Quantities than in the intire Lots in which it was ſold in the Sale of the ſaid Company.

An Act made in the 21 *Geo.* 2. for explaining, amending and enforcing the Act 18 *Geo.* 2. for prohibiting the wearing and Importation of *French* Lawns, enacts, that any Perſon who after the 24 *June* 1748, and before the 25 *March* 1749, ſhall be proſecuted for wearing Cambrick or *French* Lawns, producing Proof that the ſame was bought before 24 *June* 1748, ſhall be diſcharged from the Penalty; and that the Vender convicted

convicted of selling Cambrick, &c. after the 24 *June* 1748, shall be liable to the Penalty; and that Milliners making up Cambricks, &c. shall be liable to the Penalty.

An Act made in the 22 *Geo.* 2. enacts, that after the 1st *July* 1749, no foreign Embroidery or Gold or Silver Brocades shall be imported or brought into *Great Britain*, upon pain of being forfeited and burnt, and upon the further Penalty of 100*l.* to be paid by the Importer thereof for each Piece or Parcel so imported.

An Act made in the 23 *Geo.* 2. to encourage the Importation of Pig and Bar Iron from his Majesty's Colonies in *America*, &c. enacts, that after the 24 *June* 1750, Pig Iron made in the *British* Colonies in *America* may be imported Duty free into any Port of *Great Britain*, and Bar Iron made in the said Colonies into the Port of *London*.

An Act made in the 23 *Geo.* 2. for granting to his Majesty certain Duties upon such Species of Sail-Cloth as are therein mentioned, which shall be imported from *Ireland* into *Great Britain*, lays a Duty of 4*d.* upon each Yard of all such Canvas or Sail Cloth as is of the Value of 14*d.* a Yard and upwards, and a Duty of 2*d.* a Yard on each Yard of such Canvas or Sail-Cloth of the Value of 10*d.* a Yard and under 14*d.* which respective Duties shall continue and be paid on all such Canvas and Sail-Cloth imported into *Great Britain*, as long as the respective Bounties allowed in consequence of an Act of the Parliament of *Ireland* made in the 19 *Geo.* 2. of 4*d.* and 2*d* a Yard shall be continued.

An Act made in the 23 *Geo.* 2. for repealing the Duties then payable upon *China* Raw Silk, and

and for granting other Duties in lieu thereof, enacts, that after the 24 *June* 1750, the then preſent Duties payable on the Importation of Raw Silk from *China* ſhall ceaſe, and that in lieu thereof it ſhall pay the ſame Duties as are paid upon Raw Silk of the Growth of *Italy*, and that the ſame Drawback ſhall be allowed on the Exportation of Raw Silk from *China* as is payable on Raw Silk of the Growth or Produce of *Italy*.

An Act made in the 24 *Geo.* 2. for continuing ſeveral Laws, continues the Act 2 *Geo.* 2. for encouraging the Importation of Naval Stores from *America*, which has been continued from time to time, unto the 25 *December* 1751, and provides that no Bounty ſhall be paid on Tar, unleſs each Barrel contain 31 Gallons and a half;

And the Act 9 *Geo.* 2. for encouraging the Manufacture of *Britiſh* made Sail-Cloth, which has been continued from time to time, unto the 25 *December* 1757;

And the Act 4 *Geo.* 2. for granting an Allowance on Exportation of *Britiſh* made Gunpowder, which has been continued from time to time, until the 24 *June* 1757.

An Act made in the 24 *Geo.* 2. for repealing the Duties then payable upon foreign Linen Yarns, and for granting other Duties in lieu thereof, enacts, that after the 25 *March* 1752, in lieu of the Duties by this Act repealed, there ſhall be granted and paid the reſpective Duties following upon the Importation of foreign Linen Yarn into this Kingdom, *viz.* For every Pound Weight of *French*, *Dutch*, *Muſcovia* or *Spruce* raw Linen Yarn, the Sum of 1 *d.*

And

And for every Pound Weight of whitened or bleached Linen Yarn, known by the Name of unwrought Incle or ſhort Spinnell, of the Manufacture of any Part or Place not belonging to the Crown of *Great Britain*, the Sum of 3*d.*

And alſo the ſaid Duty of 1*d.* for every Pound Weight of all other raw Linen Yarn;

And the ſaid Duty of 3*d.* for every Pound Weight of all other whitened or bleached Linen Yarn reſpectively, of the Manufacture of any Part or Place not belonging to the Crown of *Great Britain.*

An Act made in the 24 *Geo.* 2. for the more effectual ſecuring the Duties upon Tobacco, after enacting ſeveral Proviſions for the more effectual ſecuring the Duties payable thereon, upon the Importation thereof into *Great Britain*, and preventing the many great Frauds and Abuſes carried on by ill-deſigning Perſons concerned in different Branches of the Tobacco Trade, enacts, that the Importers of Tobacco ſhall, after the 1ſt *June* 1751, have the ſame Allowances and Diſcounts on giving Bonds for the Subſidy, granted by *Stat.* 21 *Geo.* 2. *c.* 2. or paying the ſame before they become due, as they are now entitled to by any Law now in force upon Bonds given for Tobacco imported.

An Act made in the 24 *Geo.* 2. for continuing ſeveral Laws, continues the Act of 12 *Geo.* 2. for granting a Liberty to carry Sugars from the *Britiſh* Colonies in *America* directly to foreign Parts, in Ships built in *Great Britain* and navigated according to Law, which has been continued from time to time, until the 1ſt *September* 1757.

And ſo much of the Act 8 *Geo.* 1. for giving further Encouragement for the Importation of Naval Stores, *&c.* as relates to the Importation of Wood and Timber, and of Goods commonly called Lumber, from any of his Majeſty's *Britiſh* Plantations or Colonies in *America*, free of all Cuſtoms and Impoſitions whatſoever, which has been continued from time to time, until the 1ſt *September* 1757.

An Act made in the 24 *Geo.* 2. for granting to his Majeſty an additional Duty upon ſpirituous Liquors, and upon Licences for retailing the ſame, *&c.* enacts, that after the 1ſt *July* 1751, there ſhall be paid for the ſeveral kinds of ſpirituous Liquors therein after mentioned, over and above all Duties and Impoſitions impoſed thereon by any former Acts of Parliament, the ſeveral Duties following, *viz.*

For every Gallon of low Wines or Spirits of the firſt Extraction, made or drawn from any ſorts of Drink or Waſh, brewed or made from any ſort of Malt or Corn, or from Brewers Waſh or Tilts, to be paid by the Diſtillers or Makers thereof, three Half-pence:

For every Gallon of ſtrong Waters or *Aqua Vitæ*, made for Sale of the Materials aforeſaid or any of them, to be paid by the Diſtillers or Makers thereof 4*d.* $\frac{1}{2}$:

For every Gallon of low Wines or Spirits of the firſt Extraction, made or drawn from Cyder, or any ſort or kind of *Britiſh* Materials, except thoſe before mentioned, or any Mixture therewith, to be paid by the Diſtillers or Makers thereof 1*d.* $\frac{3}{4}$:

For every Gallon of Spirits made for Sale from Cyder, or any ſort or kind of *Britiſh* Materials, except

except thoſe before mentioned, to be paid by the Diſtillers or Makers thereof 3*d*. ½:

And that after the 25 *March* 1752, an additional Duty of 20*s*. ſhall be laid on Licences to retail ſpirituous Liquors:

And that after the 1ſt *July* 1751, there ſhall be a Drawback or Allowance of the ſeveral and reſpective Duties charged by this Act on ſuch Spirits made in *Great Britain*, which ſhall be exported to Parts beyond the Seas, upon Proof being made that the Duties of the ſame are duly paid, *&c.*

And it is provided that nothing contained in this Act ſhall extend to charge with any of the Duties aforeſaid, any Spirits made from Malt and retailed in that part of *Great Britain* called *Scotland*, which Spirits are there commonly known by the Name of *Aqua Vitæ*, or to ſubject the Makers or Retailers thereof in that part of the Kingdom to take ſuch Licences.

An Act made in the 25 *Geo.* 2. continues the Act 5 *Geo.* 2. for encouraging the Growth of Coffee in his Majeſty's Plantations, which has been continued from time to time, until the 25 *March* 1758:

And ſo much of an Act 2 *Geo.* 2. for the better Preſervation of his Majeſty's Woods in *America*, &c. as relates to the Præmiums on the Importation of Maſts, Yards and Bowſprits, Tar, Pitch and Turpentine, is alſo continued until the 25 *March* 1758.

An Act made in the 25 *Geo.* 2. to allow the Importation of Gum Senega into this Kingdom from any part of *Europe*, upon the Payment of a Duty, *&c.* enacts, that after the 10th Day of *April* 1752, it ſhall and may be lawful for any

of

of his Majeſty's Subjects to import into this Kingdom Gum Senega, in *Britiſh* built Ships navigated according to Law, from any Port or Place in *Europe*, upon Payment of the Duty of 10*s.* for every hundred Pounds Weight of Gum Senega, and in proportion for any greater or leſſer Quantity, by the Importer before the landing thereof: But if any Perſon ſhall enter any Gum Senega as imported immediately from the Place of its Growth or Produce, or from any of his Majeſty's Colonies or Plantations in *America*, in order to avoid the Payment of the Duty by this Act granted, which Gum Senega ſhall afterwards appear to have been imported from ſome Port or Place in *Europe*, the Perſon making ſuch Entry ſhall forfeit all ſuch Gum Senega ſo entered and double the Value thereof.

*See* more of *Cuſtoms*, under *Companies of Trade* and *Plantations*, Vol. II.

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## CHAP. XIX.

### *Of Priſage and Butlerage.*

THE Duty of Priſes or Priſage was originally the only one payable upon the Importation of Wines and foreign Commodities imported, and was taken by Virtue of the regal Prerogative for the proper Uſe of the Crown.

*Priſage* is a certain taking or purveyance of Wines to the King's Uſe, out of every Ship or Veſſel bringing in Wine belonging to the Natives

of

of *England*, except the Merchants of *London*, the *Cinque Ports*, *Southampton* and *Cheſter*, which are exempted by particular Charters; to be taken upon the breaking of bulk, or unloading any part of the Ship's Cargo, according to the whole Quantity on board, tho' there be not more than one Ton landed; for in this caſe the Duty muſt be paid, otherwiſe the Officer collecting it might be obliged to travel all over the Kingdom.

This Duty is either *ſingle* or *double*: Single Priſage is one Ton, and due in kind, when the Quantity of Wine imported amounts to or exceeds ten Tons, but is under twenty Tons; and if it be under ten Tons, there is not any Priſage due. The double Priſage Duty is two Tons, likewiſe due in kind, when the Quantity imported amounts to or exceeds twenty Tons, which is the moſt that is due out of any one Ship; one Ton whereof to be taken before, and the other behind the Maſt, at the Pleaſure of the King's Butler or Priſage-Maſter; who may take where he pleaſes, to avoid being defrauded of the Duty, for two Tons are the King's Due; and he may taſte the whole Cargo, and chuſe the beſt Wines, and fill up the Veſſels, or chuſe thoſe that are the fulleſt, and take them away, allowing only 20*s.* *per* Ton for Freight: Or if the Owners had rather, he may compound with them for his whole Quantity, at a certain Price.

*Butlerage* is a Duty of 2*s.* for every Ton of Wines imported by Merchant Strangers; being a Compoſition (inſtead of the Duty of Priſage payable in kind by *Engliſh* only) in conſideration of the Liberties and Freedoms granted to them by Charter, by King *John* and King *Edward* the Firſt; who by a Charter called *Charta Mercatoria*,

*catoria*, made in the thirty-firſt Year of his Reign, remitted this Duty of Priſage to all Merchant-Strangers, who in lieu thereof granted him a Duty of 3*d.* in the Pound, commonly called Petty Cuſtom, upon all native Commodities exported, over and above the great Cuſtoms before paid; and alſo upon all Merchandizes imported, except Wines; and upon all Wines imported 2*s.* for every Ton, being the Duty that has ſince been called *Butlerage* as above; It is called Butlerage, becauſe the King's chief Butler doth receive it. If any Perſon free of Priſage or Butlerage ſhall cuſtom any Wine of another who is not free thereof, he ſhall forfeit double the Value of Priſage and all his Goods and Chattels perſonal for ever. 1 *H.* 8. *c.* 5. 2 & 3 *Edw.* 6. *c.* 22. 1 *E. c.* 11.

King *Edward* the firſt having laid ſome Impoſitions on the Merchants, which in the twenty-fifth Year of his Reign were taken away, with promiſe that neither he nor his Succeſſors ſhould do the like without Aſſent of Parliament; in the 31ſt Year of that King they granted him an Increaſe of Cuſtoms: In lieu of which, he granted to ſome Places divers Immunities, as Releaſe of Priſage, &c. And King *Edward* the third, by his Charter, dated the 6th of *March* in the firſt Year of his Reign, granted to the Mayor, Commonalty and Citizens of *London*, that they ſhould be for ever diſcharged from Priſage of Wine; which Charter was afterwards allowed in the Exchequer. 44 *Eliz.*

It has been held, that it is not every Citizen of *London* that is capable of this Privilege, but only thoſe Citizens that are Reſident within the City; ſo it was ruled in the caſe of one *Knowles*,

who being a Citizen and free Grocer of *London*, removed with his Houſhold to *Briſtol* where he dwell'd, but yet kept his Shop in *London*, and a Ship of his arriving with Wines at *London*, and being unladen, the Priſage was demanded: He claimed the Benefit of Diſcharge as a Citizen, and theſe being his own proper Goods: It was adjudged, he was not intitled to the ſame; for he who will claim the Benefit of his Exemption, ought to be a Citizen and Inhabitant there. In this Caſe it was ſaid for the Defendant *Knowles*, that if a Perſon unlade his Wines before Priſage paid, then the King's Officer cannot have his Election. *Trin.* 4 *Hen.* 6.

If a Ship bound for the Port of *London* ſhould by Streſs of Weather or otherwiſe be forced into any other Port, in ſuch caſe the Citizens are to enjoy their Privilege, as well as if the Ship had arrived at *London*. *Hardr.* 311. In caſe ſeveral Ships of Burthen import Wine in a Port in ſmall Parcels, as where only nine Tons and three Hogſheads were imported in each Veſſel; this was held to be Fraud, and that Priſage ſhould be paid for them: And in Equity it hath been the uſual Cuſtom, to cauſe ſingle Priſage to be paid for nine Ton and a half; but not if it be only nine Ton imported. *Hardr. Rep.* 218, 477.

The King granted to a *Venetian* Merchant that he ſhould be quit of all Cuſtoms, Subſidies and Impoſitions, and all other Sums of Money, Debts and Payments for any Merchandizes whatſoever imported, and that he ſhould be as free as the Citizens of *London*; notwithſtanding theſe particular Words in the Grant, it was reſolved in the *Exchequer*, that by that Grant he was

not diſcharged from Priſage, becauſe the Priſage is not ſpecially expreſſed therein, although the City of *London* were by a ſpecial Charter free of Priſage. The Lord Mayor of *London* cannot make Strangers Citizens, to be diſcharged from Payment of Priſage. *Davis's Rep. Hill.* 43 *Eliz. B. R.*

Priſage is not due and demandable till the bulk is broken: But if a Foreigner brings a Ship laden with Wines to a Port with Intent to unlade, and before the Goods are entered or bulk broke, he ſells them to a Citizen, Priſage ſhall be paid; for the King's Grant ſhall not diſcharge any Citizen in ſuch a manner. If the King by Grant diſcharges a certain Ship of *A. B.* being at Sea, particularly naming the ſame, from paying Priſage, and the Owner dies before the Ship arrives, no Duty can be demanded; 'tis otherwiſe, if a particular Perſon has a Grant to him to be diſcharged of his Goods, and he dies before the Arrival, there the Duty ſhall be paid. *Hill.* 13 *Jac.* 1.

An Information being brought by Sir *Thomas Waller* chief Butler to King *James* 1. againſt *Frances Hanger* Widow, for detaining eight Ton of Wine due for Priſage, ſetting forth that two Ships laden with Wines belonging to *George Hanger* came to the Port of *London*, and afterwards two more, in which four Ships there were 124 Tons of Wine, whereof eight Tons were due to the King, and that the Defendant, who was the Widow of the ſaid *George Hanger*, refuſed to deliver them: The Defendant confeſſed, that the four Ships did arrive in the Port of *London*, two in the Life-time of her Huſband, and two after his Death, and that he was poſſeſſed of

the ſaid Wines *ut de bonis propriis*, and being ſo poſſeſſed thereof made her his Executrix, and died; that ſhe proved her Huſband's Will, and took upon her the Executorſhip, and did unlade thoſe two Ships which arrived after the Death of her Huſband; then ſhe pleaded the Grant 1 *Ed.* 3. unto the Mayor, *&c.* of *London*, *quod de vinis Civium*, of Citizens Wine no Priſage ſhall be taken, but that they ſhall for ever be diſcharged of the ſame, and denied that theſe Wines were her Goods, for that ſhe had nothing in them but as Executrix to her Huſband, and that he was a Freeman and Citizen of *London*. Upon this Plea, it was a Queſtion, whether Priſage was due for theſe Wines; and adjudged that the Huſband was a Citizen of *London* at the time of his Death, and that the Wines were *Bona Civis*, and ſo within the Grant, and by Conſequence diſcharged from the Payment of Priſage in the Hands of the Executrix, who repreſented his Perſon. *Trin.* 11 *Jac. Bridgm.* 1. 2 *Bulſt.* 250.

This great Cauſe was ſeveral Terms, and in divers Courts depending, wherein there was a Diverſity of Opinion among the Judges; ſome inſiſted, that Priſage ought here to be paid unto the King, eſpecially for the two laſt Ships; for the Widow and Executrix has the Wines in another's Right. And as to the Privilege of Diſcharge, the Difference ought to be, where the Goods are attached in the Life of the Huſband, and where after his Death; when it is in his Lifetime, and he dies the ſame Day, yet the Diſcharge ſhall continue, but here the ſame was after his Death: And theſe are not the Wines of *George Hanger* now, for that he is dead, and he hath no

no Goods, nor is he now a Citizen; and the Diſcharge here ſhould go only to the Perſon of a Citizen. But the Lord Chief Juſtice *Coke* held, that this Privilege to be exempt from Priſage, is not ſo much tied to the Perſon; but alſo to the Wines of Citizens, and the Charter it ſelf goeth unto them; and the Diſcharge is of Wines as of a Chattel, and then a Repreſentative ſhall be within the Compaſs of a Grant; alſo an Executor ſhall not forfeit the Goods which he hath as Executor, and the Reaſon is, becauſe they ſtill are the Goods of the Dead: Here *George Hanger* was a compleat Citizen in every reſpect, and ſo continued till his Death; and theſe Wines in the Hands of his Executrix are *bona Civium*, and therefore within the Extent of this Grant, to be freed from Priſage. 3 *Bulſt.* 2, 23, 26.

By the Act of Tonnage and Poundage, 12 *Car.* 2. *c.* 4. it is declared, that the Priſage of Wines ought not to pay Tonnage or Cuſtom, and ſhall not be charged with the Payment of any Cuſtom, Subſidy or Sum of Money impoſed upon Wines by this Statute, or any Thing therein contained. But in the 1 *Jac.* 2. *c.* 3. there is a Proviſo, that no Merchant ſhall be charged with any Duty granted by this Act for the Priſage Wine which he imports in any Ship or Veſſel; but that it ſhall be received and taken from the Perſon who hath the Benefit of the ſaid Priſage Wine, who is hereby appointed to pay the ſame. And by a late * Act which makes Allowances to Merchants Importers, out of the ſeveral Duties laid on Wines, for ſuch Wine as

* The Statute 6 *Geo.* 1. *c.* 12. *ſect.* 2 & 7.

is damaged; it is enacted, that the ſaid Allowances ſhall be made, not only to the Merchant at Importation, but alſo to the Priſage Maſter or Proprietor of the Duties of Priſage: Tho' it is here declared, that any thing in this Act contained, or to be done in Execution thereof, ſhall not extend to diminiſh or leſſen the Duties of Priſage and Butlerage of Wine due upon the Importation of the ſame, but that the ſaid Duties ſhall be collected, and received in the ſame manner as if this Act had never been made.

In a late caſe, where an Action was brought for Money received to the Uſe of the Plaintiff, a ſpecial Verdict was found by the Jury; that King *Charles* 1. gave to *J. S.* and his Heirs, the Duty of Priſage of all Wines imported, to hold the ſame diſcharged of all Aids and Taxes; and the Queſtion was, whether the Grantee ſhould pay Tonnage or not? It was here obſerved, that the Duty of Tonnage was firſt impoſed by 12 *Car.* 2. *viz.* 4*l.* 10*s.* on all *French* Wine; then comes 1 *Jac.* 2. *c.* 3. and impoſes 8*l.* *per* Ton on *French* Wines, with a Clauſe that the Grantee of Priſage ſhould pay the Duty: After this the 7 & 8 *W.* 3. *c.* 20. impoſes 25*l.* a Ton; and then comes 9 & 10 *W.* 3. *c.* 23. which grants an additional Duty of 4*l.* 10*s.* *per* Ton, to be levied as by the Statute 12 *Car.* 2. On this remarkable Cauſe in the Court of Exchequer, it was there adjudged, that the ſaid Grantee of the Priſage Wine ſhould not pay the Duty of Tonnage: But upon this a Writ of Error was brought in the Exchequer Chamber, and the Judgment was there reverſed. *Hill. Term* 8 *Ann. Paul* againſt *Shaw.*

It

It was argued for the Grantee of Priſage, that Priſage was an ancient and Royal Revenue, and if the Crown had not granted it away, Tonnage could not be due to the Queen, for ſhe could not pay that Duty out of her own Priſage; therefore the Grantee claiming under the Crown, ought to have the ſame Privilege and Exemption, and the rather becauſe it was granted to him with this Immunity. To this it was anſwered and accordingly reſolved, that Tonnage ſhould be paid for Priſage Wines by the Grantee of Priſage, becauſe immediately on Importation this Duty attaches upon the Wines; and therefore whatever part the Grantee receives for Priſage he takes it charged with the Duty, otherwiſe it would be raiſed on the People to enrich a private Man, which could never be the Intent of the Law-makers: 'Tis true the Queen could not be charged with a Duty to herſelf, but the Duty revives when Priſage comes to a Subject; and as to the Covenants of Diſcharge in this Grant of *Charles* the firſt, they could only extend to the Tonnage then in being, and which he then had, and not to what he had not, or might afterwards be given to his Succeſſors. 2 *Salk. Rep.* 617. 1 *Nelſ. Abr.* 585.

## CHAP. XX.

### *Of Taking up and Entering Goods at the Cuſtom-Houſe, Bills of Entry, of Lading, Invoices,* &c.

IT will be neceſſary in this Place to take ſome notice of the particular Buſineſs of the *Cuſtom-Houſe* and Water-ſide, relating to the Entry of Goods and Merchandize inwards and outwards; tho' I confeſs that daily Practice greatly contributes to the Direction herein.

As to Entring of Goods at the Cuſtom-Houſe, to be exported; when the Merchandize is packed up in Bales, Cheſts, Caſks, *&c.* according to its Nature, and marked, and the Freight agreed for, then is made forth the *Bills of Entry*; and of theſe Bills there muſt be ſeveral, one whereof is to be in Words at length, which is to paſs, but in the reſt the Quantities may be expreſſed in Figures. Theſe Bills are entered in divers Books, by the Clerks attending; and if you export ſeveral ſorts of Goods at once, ſome whereof are free, but others pay Cuſtoms, there muſt be two Entries and two Cockets, one for the Goods that pay no Cuſtoms, and another for thoſe that do.

*The* Bill of Entry *is thus drawn:*

In the *George*, *Thomas Hardy*, for *Barcelona*,

*J. Salter.*

Ten Bales of Broad Cloth.
Seven Tons of Beer, *&c.*

After the Bill of Entry ſo made, you are to pay the Cuſtoms and Fees for Entry, and then the *Cocket* ſhall be procured, writ on a ſmall Piece of Parchment about ſix or ſeven Inches long and four broad; on the Backſide of which is ſet down the Mark, Numbers and Quantity of Goods expreſſed therein: Then on a Piece of clean Paper is tranſcribed the Bill of Entry; whereupon a *Shipping Bill* will be made out, on the Back whereof is likewiſe writ the Marks, Numbers and Contents, as on the Cocket. The Shipping Bill and Cocket being thus indorſed, are to be delivered to the Searcher at the Water-ſide, when the Goods are ſhipped off; and the Cocket is to remain in the Searcher's Office till the Maſter of the Ship is ready to ſail, and then it is to be delivered to him.

*A Cuſtom-Houſe* Cocket.

*London*, Know ye, that *J. S.* Merchant, for ten Bales of Broad Cloth, *&c.* in the *George*, *Thomas Hardy*, for *Barcelona*, hath paid all Duties. Dated 12 *April* 1752, *&c.*

If

If the Merchant has no Servant to enter his Goods, the Clerks in the Long Room in the Cuſtom-Houſe will do it for 6*d.* where the Bill of Entry is made; or they will make the Bill and paſs the Entry both for 1*s.* The Fees for Entry are 2*s.* 6*d.* for a Freeman of *London*; one not a Freeman 3*s.* 2*d.* an Alien 3*s.* 10*d.* a Navigator 4*s.* 2*d.*

When Goods are exported by *Certificate*, being foreign Goods and Commodities formerly imported here, (which intitle the Exporter to a Drawback of part of the Cuſtoms paid on Importation) a *Debenture* is to be made out, and Oath made of the Goods ſhipped, on the Backſide thereof; and then you are to procure a *Certificate-Cocket:* To obtain which, there muſt be taken out of the Importer's Books, the Day when the Cuſtoms inward were paid, and by whom; and that is to be carried to the Long Room in the Cuſtom-Houſe, and delivered to the Clerk of the Comptroller of the Subſidy inward and outward, (with an Account of the Quantity of the Goods you would export) who will ſearch his Books, and finding the Cuſtoms paid inward, make out the Certificate, which is ſigned by the Collector or Comptroller of the Cuſtoms, that thoſe Goods have paid Cuſtoms inwards; and thereupon the Cocket is granted for ſhipping the Goods, and the Drawback allowed.

*The* Debenture.

*A. B.* Ind. (natural-born) did on the Day, *&c.* enter with us one thouſand Ells of *Holland*, in the Ship called the *George*, *John Hazard* Maſter, for

for *Jamaica*, the Subſidy and Impoſt whereof were paid inward by, *&c.* the Day, *&c.* as appears by the Certificate of the Collector inwards: And for the farther Manifeſtation of his juſt Dealing herein, he hath alſo made Oath before us of the ſame. Cuſtom-Houſe, *London*, 12 *April* 1752.

Oath *taken before the Collector*, &c.

*A. B.* maketh Oath, that the one thouſand Ells of *Holland* within mentioned were really ſhipped out, on, *&c.* and have not been relanded in any Port or Creek in *England* or *Wales* ſince laſt ſhipped. 12 *April* 1752.

*A* Certificate-Cocket.

*London*, Know ye, that *A. B.* for one thouſand Ells of *Holland*, hath paid by, *&c.* the Day, *&c.* late unladen, and now in the *George*, *John Hazard*, for *Jamaica*. Dated 12 *April*, &c.

To enter Goods inward at the Cuſtom-Houſe, the Ship being ſafely arrived which has the Goods on board, the Merchant is to ſearch the Entry-Book at the Cuſtom-Houſe, which lies publick in the Long Room, where he will find the Name of the Ship, Captain, and Land-Waiters appointed to attend the unlading, and at what Key the Goods and Merchandizes are to be landed: And finding the Ship *entered*, the Goods muſt be alſo entered, by Bills of Entry; of which there are to be ſeveral, one in Words at length

length for the Warrant, which is to be ſigned by the Party in whoſe Name the Goods are entered, and the Mark thereof muſt be inſerted in the Margin; all which being done, and the Cuſtoms and entering Fee paid, the Entry will paſs, and the Land-Waiters have a *Warrant* for the landing of the Goods.

*A* Bill of Entry *inward.*

In the *Prince Frederick*, *William Blackwell*, from *Barbadoes.*

*M. Perry.*

Thirty Hogſheads of Tobacco,
Twenty Hogſheads of Sugar, *&c.*

If your Bill of Entry be of Wines, *&c.* from *Leghorn* or any part of *Italy*, then it is to be thus:

N° 1. Florence Wines, 20 Cheſts.
N° 2. Bales of, *&c.* Silk, *&c.*
N° 3. *&c.*

As before Goods are ſhipped, while they lie on the Wharf, the Searchers are to view the Parcels, and ſee that they agree with the Cocket; ſo when Goods are imported, the Land-Waiters muſt examine that they agree with the Cuſtom-Houſe Warrant, at the time of unlading, before they are removed.

All Merchants making Entries of Goods and Merchandize, either inwards or outwards, at the Cuſtom-Houſe, are to be diſpatched in ſuch order

der as they come, and not be put by of their Turn, *&c.* and Officers and Clerks of the Cuſtoms, receiving greater Fees for Entries, *&c.* than ſuch as are or ſhall be eſtabliſhed by Act of Parliament, ſhall forfeit their Offices, and be diſabled to hold any Place in the Cuſtom-Houſe.

See *Orders* annex'd to the *Book of Rates* by *Stat.* 12 *Car.* 2.

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## CHAP. XXI.

### *Of Fees and Allowances to the Officers of the Cuſtoms.*

AS the Fees and Allowances due and payable to the Officers of his Majeſty's Cuſtoms and Subſidies in the Port of *London*, and the Creeks and Members thereunto belonging, are, by an Order of the Houſe of Commons in the Year 1662, and purſuant to a Statute then made, ſettled in a Schedule thereof, ſigned by the Speaker, and ordered to be made publick, for the avoiding of all Oppreſſions by any of the ſaid Officers in exacting unreaſonable Fees from Merchants, *&c.* And the ſaid Fees being confirmed by ſubſequent Acts of Parliament, I think it proper to inſert the ſame here, as a juſt Concluſion of the large Title *Cuſtoms*.

*To the Officers of the Petty Customs outwards.*

For a Cloth Cocket by *English* Freemen of *London*, to the Customer, 6*d.* and to the Comptroller, Surveyor, and Surveyor General, 4*d.* each.

For a Stranger's Cocket, or Unfreeman, to the Customer, 8*d.* and to the Comptroller, Surveyor and Surveyor General, &c. 6*d.* each.

For a Cloth Certificate by Strangers or *British*, to pass according to the old Rate, 8*d.* to the Customer, and 4*d.* to the said other Officers each.

For a Ship's Entry crossing the Seas, 4*d.* to each of all the said Officers.

For a Ship's Entry to the *Streights*, *Canaries*, or *Western* Islands, to each and every of all the said Officers, 1*s.*

For clearing of Ships, and examining the Books, to the Customer, 1*s.* and to the Comptroller, and Surveyors, 6*d.* each.

For every Indorsement, to the Customer, 4*d.*

For making a Bond to the King's Use, to ditto, 6*d.*

For every Entry in the Certificate Book, to ditto, 2*d.*

*To the Customers Clerks.*

More for a Cloth Cocket or Certificate, to the Customer, 6*d.* and the Comptroller, and Surveyors, 2*d.* each.

For a Ship's Entry crossing the Seas, to the Customer, 4*d.*

*Subsidy*

*Subſidy outwards.*

For every Ship's Entry within the *Levant*, or beyond the *Streights* Mouth, to the Collector, Comptroller, Surveyor and Surveyor General, 1 *s.* each.

For every Ship's Entry going to any other foreign Parts, to each and every of all the ſaid Officers, 4 *d.*

For every Ship's Entry going to the Out-Ports, to the Collector, 2 *d.* and to the Comptroller and Surveyors, 1 *d.* each.

For clearing of every Ship paſſing to foreign Parts, and examining the Ship's Contents, to the Collector, 1 *s.* the Comptroller and Surveyors, each 6 *d.*

For every *Engliſh* Cocket by Freemen, to the Collector, 8 *d.* to the Comptroller and Surveyors, 4 *d.* each.

For every Stranger's Cocket, or Unfreman of *London*, to the Collector, 1 *s.* the Comptroller and Surveyors, 6 *d.* each.

For making every Certificate Cocket, as well *Britiſh* as Strangers, for Goods which paid Subſidy inwards, and pay no Subſidy outwards, to the Collector, 8 *d.* to the Comptroller and Surveyors, each 4 *d.*

For every Certificate upon Warrant from his Majeſty or the Lord Treaſurer, paying no Duties, to the Collector, 1 *s.* 6 *d.* to the Comptroller and Surveyors, 8 *d.* each.

For Indorſement of all Warrants and Licences, to the Collector and Comptroller, each 4 *d.*

For a Foaring Bill licenſing ſuch as bring in Victuals, to carry out ſome Beer as by Store, to the

the Collector, Comptroller and Surveyors, 6*d.* each.

Coaſt Sufferances to be given without Fees.

For every Coaſt Cocket outwards, and entering in the King's Books, for a whole Ship or Veſſel paſſing into the open Seas, to the Collector, 1*s.* to the Comptroller and Surveyors, each 8*d.*

For a Bond for the ſame, to the Collector, 6*d.* For diſcharging the Bond, and filing the Certificate to the ſaid Bond, to the Comptroller, 4*d.*

For making every Certificate of Return, to the Collector, 1*s.* and to the Comptroller and Surveyors, 2*d.* each.

For making, entering and keeping an Account of every Debenture for Repayment of half Subſidy, or other Sums of Money, to the Collector, 1*s.* to the Comptroller and Surveyors, each 4*d.*

For making and entering a Tranſire or Letpaſs from Port to Port in *Great Britain*, to the Collector, 4*d.* and the Comptroller, 2*d.*

*To the Clerks.*

For a Cocket, by *Britiſh* or others, the Collector, 4*d.* Comptroller and Surveyors, 2*d.* each.

For a Ship's Entry croſſing the Seas, to the Collector, 4*d.*

To the Clerk of the Coaſt Cockets, for making a Bill or Ticket to the Lord Mayor for Corn, Victuals, and other Proviſions, the Collector, 4*d.*

*Petty*

*Petty Customs inwards.*

For every Stranger's Warrant, to the Customer, Comptroller and Surveyors, each 2*d.*

For taking every Bond, to the Customer, 6*d.*

For every Bill at Sight, to the Customer, 1*s.* the Comptroller and Surveyors, 4*d.* each.

For discharging every Bond, to the Comptroller, 6*d.*

For every great Employment to employ the Proceed of Goods, to the Comptroller, 6*d.* and to the two Surveyors, 1*d.* each.

*Subsidy inwards.*

For every Warrant by *British* Freemen of *London*, to the Collector, Comptroller and Surveyors, each 4*d.*

For every Warrant for Strangers or Unfreemen, to each and every of the said Officers, 6*d.*

To the Clerk for making the Shipper's Entry, the Collector, 1*s.*

For making a Bond to his Majesty's Use, to the Collector, 6*d.*

For every Oath administred by the Collector, 2*d.*

For a Ship's Entry, with the particular Contents, *viz.*

——— From the *East-Indies*, to the Collector, 2*s.* 6*d.*

——— From the *Streights*, to the Collector, 2*s.* 6*d.*

——— From *Spain*, *Portugal*, and the *West-Indies*, or *British* Plantations, to the Collector, 2*s.*

For a Ship's Entry from *Dunkirk* or *France*, *Flanders*, *Holland*, *Ireland*, or any *eaſtern* or *northern* Parts, to the Collector, 1*s.*

For every Ship or Veſſel leſs than twenty Tons, to the Collector, 8*d.*

For every Stranger's Ship's Entry to pay double Fees ———

For every Certificate of foreign Goods imported, to be ſhipped out free of Subſidy, to the Collector, 1*s.* 6*d.* whereof 6*d.* for the Search, and 12*d.* for the Certificate.

——— If the Goods be under the Value of twenty Pounds, according to the Book of Rates, the Merchant is to pay for the Certificate in all but 6*d.* to the Collector.

For examining and comparing every Debenture with the original Certificate, to the Collector, 4*d.*

For a Certificate of foreign Goods coming from any of the Out-Ports to *London*, or from any other Port to Port within this Nation, to the Collector, 6*d.* the Comptroller and Surveyors, 2*d.* each.

For Goods ſent by Sea by the Importer thereof, to any of the Out-Ports from *London*, the like Fees of 6*d.* and 2*d.* to the ſaid Officers.

For caſting up the Sum, and keeping an Account of every Debenture, and paying the Money; to the Collector, 8*d.*

For every Bale, Pack, Truſs, Cheſt, Caſe or other Package, brought into the King's Warehouſe, ſhall be allowed to the Officer when the Merchant is ſhort entered above 5*s.* to be paid to the proper Officer, 2*d.*

*Great Cuſtoms.*

For a Cocket for Calve-Skins, to the Cuſtomer, 2*s.* and Comptroller, 1*s.*

For a Coaſt Cocket outwards of Wools, Woolfells, Leather, Skins and Hides, the like Fees, to the ſaid Officers.

For a Bond for his Majeſty's Uſe, to the Cuſtomer, 1*s.*

For filing the Return, to the Cuſtomer, 6*d.*

For a Return and Diſcharge outwards, to the Cuſtomer, 2*s.* 4*d.* and to the Comptroller, 1*s.*

To the Packer, for telling and packing every Dacre of dreſſed Calve-Skins, allowing ten Dozen to the Dacre, 6*d.*

For packing every Dacre of undreſſed Calve-Skins, and telling, to the Packer alſo, 6*d.*

*Fees concerning ſeveral Officers, as well inwards as outwards, to be paid to the Clerks.*

For every Bill of Portage, to the Cuſtomer's Clerk, 6*d.* Comptroller's, 3*d.* and Surveyor's, 3*d.*

For a Second or Parcel Cocket outwards, to each of the ſaid three Clerks, 2*d.*

*To the King's Waiters, being in Number Eighteen.*

Received in the Cuſtom-Houſe above Stairs.

For every *Britiſh* Man's foreign Goods or Merchandizes, of what nature ſoever, paying Cuſtom or Subſidy inwards in the Port of *London*, or coming thither from any Place or Port by Cocket, 1 *s.*

For every Stranger's foreign Goods in like manner, paying Cuſtom inwards in the ſame Port, or coming thither by Cocket, 1 *s.* 6 *d.*

For certifying every Cocket of *Britiſh* Goods brought up to *London*, 6 *d.*

Received at the Water-ſide by the ſaid King's Waiters, and others attending; to be divided as formerly.

For a Bill of Store or Portage for any thing above 10 *s.* Cuſtoms, 1 *s.*

For a Bill of Sight, Bill of Sufferance, or any other imperfect Warrant, 1 *s.*

For Wools, Wool-fells, Leather, Hides, and prohibited Goods from the Out-Ports by Cocket, 1 *s.*

*Regiſter of the King's Warrants.*

For every *Britiſh* Warrant for Goods inwards, 2 *d.*

For every Stranger's Warrant, 4 *d.*

For every foreign Certificate, 4 *d.*

For

For all Goods not paying twenty Shillings Custom, whether in or out, there shall be but half Fees taken, for Warrants, Cockets, Transires, Debentures or Certificates.

*To the Usher of the Custom-House.*

For every Oath administred by the King's Officers outwards, 2*d.*

*Rules which may serve for the Ports in general.*

Whereas some Societies and Companies of Merchants do trade in a joint Stock, and enter the whole Lading and Cargo of a Ship inwards, in one Entry, when the Adventurers therein concern'd are many; the Officers and Waiters may, in such case, take and receive such Gratuity, as the said Company shall voluntarily consent to pay unto them.

All Goods under the Value of five Pounds in the Book of Rates, paying Subsidy the Sum of 5*s.* or less, shall pass without Payment of any Fees.

No *British* Merchant that shall have Goods of his own, to be landed out of one Ship or Vessel at one time, (although the Receipt of the Subsidy be distributed into several Offices) shall be charged to pay any more or other Fees than for a single Entry: Goods in Partnership to pass as if the Proprietors were one single Person.

Fish by *British*, in *British* Shipping or Vessels, inward or outward, or along the Coast, to pay no Fees.

Foreign Coin and Bullion inwards, may be landed by any Perſons, without Warrant or Fee.

And Diamonds, precious Stones, Jewels, Pearls of all Sorts, to paſs inwards and outwards, without Warrant or Fee.

Poſt-Entries inward, to paſs without Fee, being under five Shillings; if above that, and under forty Shillings, then ſix Pence: But if the Cuſtom to be paid exceed forty Shillings, it ſhall pay the full Fees as were paid for the firſt Warrant.

The Merchants ſhall pay for all Goods opening, that ſhall be ſhort entered above ten Shillings Cuſtom.

The Merchant ſhall alſo pay for weighing of all Goods, which ſhall be ſhort entered above twenty Shillings Cuſtoms.

But Merchants not to be at any Charge, if duly entered.

The *Navigation Act* 12 *Car.* 2. *c.* 18. having granted ſeveral Duties upon Strangers Veſſels, importing Commodities not of their Growth; and thereby it being ordered, that ſuch Shipping, as would enjoy the Privilege of *Engliſh* Ships, muſt be manned accordingly, whereby there is a Neceſſity for an Officer to be employed every Tide downwards towards *Graveſend*, to viſit all Ships, and ſee if they are manned according to the ſaid Act; and alſo to gauge * *French* Ships, and take an Account of their Tonnage, and to give Certificates for making of foreign Ships free, and taking Bonds for ſuch as go to the Plantations.

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* The Duty of 5 *s. per* Ton, for which *French* Ships were to be gauged, ceaſed by 11 Artic. Treaty Commerce made in the Year 1713.

*For this Buſineſs the following Fees are appointed.*

For gauging every *French* Veſſel, in lieu of the like Fee paid in *France* for gauging *Britiſh* Veſſels there, to the Collector, 5*s.*

For making a Certificate to make a foreign Ship free, and ſealing and regiſtering the ſame, to the Collector, 10*s.*

For a Bond for Ships going to the Plantations, to the Collector, 6*d.*

For every Entry of *French* Veſſels, and for Bills to charge the Duty on any ſuch Veſſel, to the Collector and Comptroller, each 6*d.*

For a Certificate of Payment of Tonnage, to the Collector, 6*d.*

For every Entry of Goods liable to Duties by the Act of Navigation, which this Collector receives, 4*d.* and to the Comptroller, 4*d.*

*The Fees between the chief Searcher, and the under Searchers in the Port of* London.

For every Ship that paſſeth into foreign Parts, if to *Spain*, *Portugal*, the *Streights*, *Weſt-Indies*, *Guinea*, or the Weſtern Iſlands, 6*s.*

To *Eaſt-India*, 10*s.*

All other *Britiſh* Ships into foreign Parts, 4*s.*

For every Stranger's Ship or Bottom, 6*s.* 8*d.*

*Due to his Majeſty's Five Under-Searchers that attend at* London.

*Britiſh* and Aliens.

For every Certificate for ſhipping out Goods formerly imported, 2 *s.*

But if the half Subſidy to be received back, amounts but to 40 *s.* then only 1 *s.*

To be paid by *Britiſh* and Aliens, for Goods that pay Subſidy, and paſs out by Cocket or Warrant.

A Pipe, Punchion or Butt, 4 *d.*

A Hogſhead, or Bag, 2 *d.*

Of Tin the Block or Barrel, 1 *d.*

Beer-eager, Wood of all ſorts, Copperas, Allum and ſuch groſs Goods, the Ton, 4 *d.*

Corn, the Laſt, Sea-Coal, the Chalder, Beer, the Ton, 2 *d.*

Lead, the Fodder, 2 *d.*

The Maund, Fatt or Pack, 6 *d.*

The Bundle, Bale, Cheſt or Caſe, 3 *d.*

Raiſins and Figs, for 20 Frails or Barrels, 3 *d.*

Butter and ſuch Goods, the Barrel, 2 *d.*

For every Coaſt-Certificate or Cocket, 1 *s.*

Tranſires for the Coaſt, free.

For every Horſe, Mare or Gelding, 1 *s.*

For certifying every Debenture for receiving back half Subſidy, *&c.* 6 *d.*

For every Piece of Ordnance, 1 *s.*

For

To be paid by *British* and Aliens, for Goods that pay Subsidy, and pass out by Cocket or Warrant.

For the Indorsement of every Cocket, 1 *s.*

For every Certificate out of their Books of Goods lost at Sea, taken by Pirates, or return'd, whereby so much may be shipped Custom-free, 1 *s.*

For every Bill of Sufferance, or Store, above 10 *s.* in the Book of Rates, 1 *s.*

If under that, 6 *d.*

The Fardle or Truss, by *British*, of three hundred Weight or upwards, 6 *d.*

Woollen Cloth, the Bale not exceeding five Cloths, or three hundred Weight, Stuffs, Bays or Says, 3 *d.*

Merchant-Strangers, Unfreemen of *London*, or such as ship on Stranger's Ships or Vessels, the Fardle or Truss, 1 *s.* the Bale, 6 *d.*

*The Fees of the two Searchers at* Gravesend.

For every Ship that passeth over the Seas for *Spain*, *Portugal*, *Streights*, the *West-Indies*, *Guinea* or the *Western Islands*, 6 *s.*

For every Ship to the *East-Indies*, 10 *s.*

For all other *English* Ships into foreign Parts, 4 *s.*

For every Stranger's Ship or Bottom, 8 *s.*

For every Ship having a Coast-Cocket, 4 *d.*

For

For Paſſengers outwards, not being Merchants or Mariners, 6*d.*

*Signed by virtue of an * Order of the Houſe of Commons, dated the 17th* May 1662.

E. Turner.

*A Breviate of the Fees of his Majeſty's Officers of the Cuſtoms and Subſidies in the Port of* London, *reducing the ſeveral Particulars into Totals, or entire Sums,* viz.

*For the Officers of the Petty Cuſtoms outwards.*

For a Cloth Cocket by *Britiſh* Freemen of *London*, paid to the principal Officers and their Clerks, 2*s.* 6*d.*

For a Stranger's Cocket, or Unfreeman, 3*s.* 2*d.*

For a Cloth Certificate by *Britiſh* or Strangers, 2*s.* 8*d.*

For a Ship's Entry croſſing the Seas, 1*s.* 8*d.*

For a Ship's Entry to the *Streights*, *Canaries* or *Weſtern Iſlands*, 4*s.* 4*d.*

For clearing of Ships, and examining the Books, 2*s.* 6*d.*

For every Indorſement, 4*d.*

For making a Bond to the King's Uſe, 6*d.*

For every Entry in the Certificate Book, 2*d.*

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Confirmed and continued by 8 & 9 *W.* 3. *c.* 20. and other Acts, which continue the Cuſtoms and Subſidy outwards.

*Subſidy*

*Subſidy outwards.*

For every Ship's Entry within the *Levant*, or beyond the *Streights* Mouth; to the Officers and their Clerks, 4 *s.* 4 *d.*

For every Ship's Entry, going to any other foreign Parts, 1 *s.* 8 *d.*

For every Ship's Entry going to the Out-Ports, and for a Coaſt-Cocket and Bond, 4 *s.* 9 *d.*

For clearing of every Ship, paſſing to foreign Parts, and examining the Ship's Contents, 2 *s.* 6 *d.*

For every *Britiſh* Cocket, by Freemen, 2 *s.* 6 *d.*

For every Stranger's Cocket, or Unfreeman of *London*, 3 *s.* 4 *d.*

For every Certificate-Cocket, *&c.* 2 *s.* 6 *d.*

For every Certificate, upon Warrant from his Majeſty, or the Lord Treaſurer, paying no Duties, 4 *s.* 4 *d.*

For Indorſement of all Warrants and Licences, 8 *d.*

For a Foaring Bill, 2 *s.*

For diſcharging a Bond, and filing the Certificate, 4 *d.*

For making a Certificate of Return, 2 *s.*

For a Debenture for Repayment of half Subſidy, *&c.* to the principal Officers, 2 *s.* to the Searchers, 6 *d.* for the Oath, 2 *d.* examining, 4 *d.* caſting up and paying the Money, 8 *d.* In all, 3 *s.* 8 *d.*

For making and entering a Certificate or Letpaſs, 6 *d.*

For a Bill or Ticket to the Lord Mayor, 4 *d.*

*Petty*

*Petty Cuſtoms inwards.*

For every Stranger's Warrant inwards, *vide* Subſidy inwards.

For taking every Bond, 6*d.*

For every Bill at Sight, 2*s.*

For diſcharging every Bond, 6*d.*

For every great Employment, 2*s.* 6*d.*

*Subſidy inwards.*

For every Warrant by *Britiſh* Freemen of *London*; to the principal Officers, the King's Waiters, and Regiſter, 2*s.* 6*d.*

For every Warrant for Strangers, 4*s.* 6*d.*

——— Or for Unfreemen, 3*s.* 2*d.*

For every Certificate of foreign Goods, coming from the Out-Ports to *London*, 2*s.* 4*d.*

For Goods ſent by Sea, by the Importer thereof, to any of the Out-Ports from *London*, 1*s.*

All the reſt of the Fees under this Title of *Subſidy inwards* are ſingle, and paid to particular Perſons. *Vide* the Table.

*Great Cuſtoms.*

For a Cocket for Calves-Skins; to the Officers and Packer, 3*s.* 6*d.*

For Wools, Wool-fells, Skins and Hides, 3*s.*

For a Bond to his Majeſty's Uſe, 1*s.*

For filing the Return, 6*d.*

For a Return and Diſcharge outwards, 3*s.* 4*d.*

*Fees*

*Fees inwards and outwards concerning the Clerks.*

For every Bill of Portage, 1*s.*
For a Second or Parcel Cocket outward, 6*d.*
To the *Packer*
To the *King's Waiters* for the three firſt Articles.
The *Regiſter* of the King's Warrants.
} All theſe are reckoned together with the former Entries.

All other Fees in the Table not herein compriſed; (except only two concerning the Act of Navigation) the Fees of the chief Searcher, and his Majeſty's five Under-Searchers at *London*, and two at *Graveſend*, are ſingle, and do not admit of Abbreviation.

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*The End of the Firſt Volume.*

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*An*

## *An* APPENDIX, *containing ſhort Extracts from the Statutes* 26 Geo. 2. *which make any Alterations with reſpect to Trade.*

THE Act 26 *Geo.* 2. *c.* 6. makes all Veſſels, Perſons and Goods, coming from Places whence the Plague may be brought, ſubject to perform Quarantain in ſuch Places as ſhall be appointed.——Veſſels infected, being to the northward of Cape *Finiſterre*, to proceed to the Harbour of *New Grimſby* in the Iſlands of *Scilly*, and to give Notice of their Caſe to ſome Officer of of the Cuſtoms there; which Intelligence ſhall be immediately tranſmitted to one of the Secretaries of State, and ſhall remain at the ſaid Iſlands till his Majeſty's Pleaſure be known; nor ſhall any of the Crew go on Shore.——Veſſels not able to make *Scilly* to remain in ſome open Road till Orders arrive, and avoid all Intercourſe with other Ships or Perſons.——In either caſe, the Maſter or any other Perſon aboard, who ſhall be diſobedient, to be adjudged guilty of Felony.—— When any Place ſhall be infected, or Orders made concerning Quarantain, an Officer of the Cuſtoms to go off to the Veſſel attempting to come into Port, and interrogate the Maſter concerning the Ship's Cargoe, Voyage, Health, *&c.* who ſhall give a true Account of all thoſe Particulars; and if it ſhall appear that the Infection is on board, ſhe ſhall be obliged to perform Quarantain.——If there be any Infection on board, the Maſter concealing the ſame ſhall be adjudged guilty of Felony, or not making a full Diſcovery in other Particulars, ſhall forfeit 200 *l.*——Every Maſter of a Veſſel performing Quarantain, to deliver to the Officer appointed, the Bill of Health and Manifeſt of the *Britiſh* Conſul, with the Log-

book

book and Journal, under Penalty of forfeiting 500*l.*——The Maſter, *&c.* quitting the Veſſel before Quarantain is performed, unleſs by Licence, or not going to the Place appointed for performing Quarantain, to forfeit 500*l.*——The Party quitting the Veſſel, to be compelled by force to return on board, to ſuffer ſix Months Impriſonment and forfeit 200*l.*——Lazarets to be erected on common or private Grounds, the Proprietors being ſatisfied for the ſame.——The Officers may oblige all Perſons to comply with ſuch Orders as ſhall be made, and compel by force Perſons refuſing to perform Quarantain, or having eſcaped from the Lazaret in which they were placed, to repair to the Place appointed for them.——Perſons refuſing or neglecting, to be adjudged guilty of Felony.——The Officers to enforce Obedience to their Orders.——Sound Perſons entering a Lazaret, *&c.* where the Infection is, to be obliged to continue there and perform Quarantain, and eſcaping from thence to be adjudged guilty of Felony.——The Officer neglecting his Duty to forfeit his Office and 100*l.* and if he embezzle Goods, to pay treble Damages and full Coſts of Suit.—Goods particularly ſpecified, to be liable to the Orders for Quarantain.——On Proof on Oath, that any Veſſel hath performed Quarantain, and that the ſame is free from Infection, and a Certificate from the Officer ſuperintending the Quarantain, the Ship and Men to be diſcharged.——No Fee to be taken for the Oath or Certificate.——Orders to be complied with for airing of Goods, and on Certificate and Proof on Oath, that the ſame have been complied with, the Goods to be diſcharged.——The Officer demanding a Fee for ſuch Oath or Certificate,

ficate, to forfeit 100*l.*——The Superintendant of the Quarantain, or Watchman, neglecting their Duty, or permitting any Perſon, Goods, *&c.* to depart or be conveyed out of the Place appointed for Performance of Quarantain, or giving a falſe Certificate, to ſuffer Death.——Perſons concealing or clandeſtinely conveying Letters or Goods from any Ship under Quarantain, or from any Lazaret, to ſuffer Death.——If any Part of *Great Britain*, *Ireland* or the Iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man*, or *France*, *Spain*, *Portugal* or the *Low Countries*, ſhall be infected with the Plague, all Boats and Veſſels under the Burthen of twenty Tons, to give Security not to touch at any Country which ſhall be mentioned in a Proclamation for that Purpoſe, in the Penalty of 300*l.* and ſuch Veſſels ſailing without giving ſuch Security, to be forfeited, and the Maſter and every Mariner in ſuch Veſſel to forfeit 20*l.*——All Orders made concerning Quarantain, to be read in all Churches.——This Act to commence and take effect from the firſt of *March* 1754.

The Act 26 *G.* 2. *cap.* 8. opens the Port of *Exeter* for the Importation of Wool and woollen Yarn from *Ireland*, from the firſt of *June* 1753, under the Regulations and Reſtrictions enacted by 10 & 11 *W.* 3.

The Act 26 *G.* 2. *c.* 9. explains, amends and renders more effectual the *Act* 23 G. 2. *for the Encouragement of the* Britiſh *White Herring Fiſhery*, and enacts, that the Society ſhall be intitled to 3 *per Cent.* Intereſt on the Sums employed by them;——that the Oaths required to be taken, with reſpect to the nominal Days appointed for the Rendezvous, *&c.* for the Society's Veſſels, ſhall

ſhall be made conformable to the Calendar now in uſe;——that the Society ſhall not be intitled to the Bounty of 30*s.* *per* Ton, where the Veſſel returns with fewer Hands than ſhe is required to have on board at the Rendezvous;——that the Veſſels may put into Port in the Intervals of the Fiſheries;——that the ſecond Fleet of Nets may be of any Depth, not under five Fathoms, and the Certificate and Oath touching the ſame conformable to the Alterations of this Act;——that in order to ſecure the Society or their Agents from the ſeveral Penalties inflicted by the Acts of the fifth and eighth of his late Majeſty, reſpecting the Duties on Salt, *&c.* the Quantity of ſuch White Herrings as have been or ſhall be ſent to foreign Markets, without being firſt brought into Port, ſhall be aſcertained by the Oath of the Society's Superintendant, and the Certificate of their Secretary and Accomptant;——that ſuch Affidavit and Certificate ſhall be admitted as Evidence to verify the Quantity of ſuch Fiſh;——that all Veſſels which ſhall rendezvous at *Kirkwall*, and obſerve all the Regulations preſcribed by the Act 23 *G.* 2. ſhall be intitled to the Bounties preſcribed in the ſaid Act, in the ſame manner as if they had rendezvouſed at *Campbell-Town*;——and that no Veſſel employed in the White Herring Fiſhery ſhall be obliged to carry more than one Fleet of Nets to the latter Fiſhing.

The Act 26 *G.* 2. *c.* 11. permits the Exportation of Wooll and Woollen or Bay Yarn, from any Port in *Ireland* to any Port in *Great Britain*, under the Reſtrictions and Regulations enacted concerning the ſame, by 10 & 11 *W.* 3. or any other Act or Acts of Parliament whatſoever.

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The Act 26 *G.* 2. *c.* 12. enacts, that after the 29th Day of *September* 1753, no Wine of any ſort, exceeding the Quantity of ten Gallons, imported into any of the Out-Ports, ſhall be brought from thence to *London*, or within 20 Miles of the *Royal Exchange*, without paying the Out-Port and *London* Duty, or the Difference of the reſpective Duties payable in the Out-Port from which it is brought, and in the Port of *London*, on the Importation of ſuch Wine;——that any Quantity of Wine in Bottles, exceeding three Dozen, or in Caſks 10 Gallons, brought at the ſame time and in the ſame Carriage to *London*, or within 20 Miles of the *Exchange*, without a Certificate of the reſpective Duties being paid, *&c.* ſhall be forfeited, together with the Caſks and Veſſels containing the ſame;——and that if after the Removal of ſuch Wines, and Payment of the Duties, the Wines ſhall be ſtaved or periſhed before they ſhall be brought into the Port of *London*, &c. Repayment ſhall be made of the Difference of the reſpective Duties to the Proprietor.

The Act 26 *G.* 2. *c.* 13. recites the Act 24 *G.* 2. *for the more effectual ſecuring the Duties upon Tobacco*, and enacts, that after the 1ſt of *June* 1753, no Tobacco imported before 29 *September* 1751, nor Tobacco Stalks ſtripped, or Snuff manufactured therefrom, ſhall be removed by Land or Water, on Penalty of Forfeiture, as by the ſaid recited Act is directed in relation to any Tobacco, Tobacco Stalks or Snuff, on the Removal whereof Certificates are required;——that Tobacco removed in greater Quantities than the Act allows, without a Certificate, may be ſeized;——that the Proof of its having been removed from the Port of Importation with a Certificate, ſhall lie

on

on the Claimer;——that this Act ſhall not extend to prohibit the Exportation of Tobacco imported before 29 *September* 1751, at any time before the 29 *September* 1754, from any Port where the ſame ſhall be on the 1 *June* 1753;——that the Inn from whence any Tobacco ſhall be carried ſhall be deſcribed on the Back of the Certificate, inſtead of the Carrier's Name;——that every Certificate for removing Tobacco ſhall be deemed a proper Certificate for that Purpoſe, altho' it does not contain the Name of the Importer or of the Perſon who paid the Duties;——and that the ſecond Purchaſer of an Hogſhead of unmanufactured Tobacco ſhall be intitled to a Certificate on the Removal thereof, or of the Stalks or Snuff made therefrom.——This Act alſo recites the Act 9 *Annæ*, *for eſtabliſhing a General Poſt-Office*, and enacts, that every Writ or other Proceeding at Law ſhall pay as a diſtinct Letter;——and that Letters incloſing ſeveral Patterns, not exceeding one Ounce Weight, ſhall pay only as a double Letter.

The Act 26 *G.* 2. *c.* 15. *for allowing Intereſt upon certain Debentures for the Bounty granted on the Exportation of Corn*, enacts, that from the 25th of *March* 1753, Debentures for the Bounty * of Corn exported remaining unſatisfied for ſix Months, ſhall carry an Intereſt of three *per*

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* By 1 *W.* & *M.* when Malt or Barley ſhall be at 24*s.* *per* Quarter, *Wincheſter* Meaſure, or under, Rye at 32*s.* *per* Quarter or under, Wheat at 48*s.* *per* Quarter or under, in any Port of *England*, every Ship for Exportation, conforming to the Directions of that Act, is intitled to a Bounty of 2*s.* 6*d.* for every Quarter of Barley or Malt, ground or unground, 3*s.* 6*d.* for every Quarter of Rye, ground or unground, 5*s.* for every Quarter of Wheat, ground or unground; and by 5 *Annæ*, when Oats ſhall be ſold at 15*s.* *per* Quarter or under, there ſhall be paid a Bounty of 2*s.* 6*d.* *per* Quarter to the Exporter; and the Beer of *Scotland* ſhall have the ſame Bounty as Barley.

*Cent.* until the Money due on ſuch Debentures and the Intereſt of the ſame ſhall be reſerved in the Hands of the General Receiver of the Cuſtoms, and proper Notice given thereof, after which time, if Payment be not demanded, all Intereſt ſhall ceaſe; but the Principal with ſuch Intereſt as ſhall be due thereupon before the Expiration of the time limited in the ſaid Notice, ſhall be paid upon Demand at any time afterwards;——that if there ſhall at any time thereafter be Money in Hand ſufficient to diſcharge the Debentures, and Notice be given thereof, the Intereſt thereon ſhall ceaſe;——that Principal and Intereſt ſhall be paid in courſe without undue Preference;——that the Day of Preſentment of the Certificate ſhall be indorſed on the Back of the Debenture, and the Order for the Payment thereof, with the Intereſt, ſhall be ſigned;——that Payment ſhall be made of Principal and Intereſt without Fee;——that Debentures ſhall be aſſignable by Indorſement;——that where there is not Money in Hand to pay the Bounty on Corn exported from *Scotland*, a Certificate ſhall be granted, and the Debenture paid by the Receiver General in three Months;——that Debentures remaining unſatisfied for ſix Months, ſhall carry 3 *per Cent.* Intereſt;——that Notice ſhall be given when the ſame are ready to be diſcharged;——that the Intereſt ſhall ceaſe from the time limited in ſuch Notice;——that if there ſhall be at any time thereafter Money in Hand ſufficient to pay off the Debentures, and Notice be given thereof, the Intereſt thereon ſhall ceaſe;——that the Debentures in *Scotland* ſhall be paid by the Receiver General, and without undue Preference.

The

The Act 26 *G.* 2. *c.* 16. reduces the Court of Directors of the *South Sea* Company from thirty-three to twenty-one, to take effect after the Expiration of the three Years for which the preſent Governors and Directors are choſen.

The Act 26 *G.* 2. *c.* 18. *for enlarging and regulating the Trade into the* Levant *Sea*, enacts, that after the 24 *June* 1754 any Subject of *Great Britain* deſiring Admiſſion and paying 20*l.* ſhall be made free of the *Turkey* Company;——and that on his Admiſſion to the Freedom of the ſaid Company, he ſhall take the following Oath;

*You ſwear to be good, faithful and true to our Sovereign Lord King* George, *his Heirs and Succeſſors; you ſhall be obedient and aſſiſtant to the Governor, his Deputy, and Aſſiſtants of the Company of Merchants of* England *trading into the* Levant *Seas, in all lawful Matters; you ſhall truly hold and keep to your Power (having no ſingular Regard to yourſelf, to the Hurt and Prejudice of the common Weal of the ſaid Company) all Statutes, Acts and Ordinances, which have been duly made according to the Grant of Privileges granted to the ſaid Company, and conſiſtent with an Act of Parliament made in the twenty-ſixth Year of the Reign of his Majeſty King* George *the Second, intituled,* An Act for enlarging and regulating the Trade into the *Levant* Seas; *the Secrets of the ſaid Company you ſhall not diſcloſe; and if you ſhall know any Perſon or Perſons that intend any Hurt, Harm or Prejudice to our aforeſaid Sovereign Lord the King's Majeſty, his Heirs or Succeſſors, or to the ſaid Company, or to the Privileges of the ſaid Company, you ſhall give knowledge thereof to the ſaid Governor, Deputy or Aſſiſtants, or to ſome them; and you ſhall not colour or free any*

*Cent.* until the Money due on ſuch Debentures and the Intereſt of the ſame ſhall be reſerved in the Hands of the General Receiver of the Cuſtoms, and proper Notice given thereof, after which time, if Payment be not demanded, all Intereſt ſhall ceaſe; but the Principal with ſuch Intereſt as ſhall be due thereupon before the Expiration of the time limited in the ſaid Notice, ſhall be paid upon Demand at any time afterwards;——that if there ſhall at any time thereafter be Money in Hand ſufficient to diſcharge the Debentures, and Notice be given thereof, the Intereſt thereon ſhall ceaſe;——that Principal and Intereſt ſhall be paid in courſe without undue Preference;——that the Day of Preſentment of the Certificate ſhall be indorſed on the Back of the Debenture, and the Order for the Payment thereof, with the Intereſt, ſhall be ſigned;——that Payment ſhall be made of Principal and Intereſt without Fee;——that Debentures ſhall be aſſignable by Indorſement;——that where there is not Money in Hand to pay the Bounty on Corn exported from *Scotland*, a Certificate ſhall be granted, and the Debenture paid by the Receiver General in three Months;——that Debentures remaining unſatisfied for ſix Months, ſhall carry 3 *per Cent.* Intereſt;——that Notice ſhall be given when the ſame are ready to be diſcharged;——that the Intereſt ſhall ceaſe from the time limited in ſuch Notice;——that if there ſhall be at any time thereafter Money in Hand ſufficient to pay off the Debentures, and Notice be given thereof, the Intereſt thereon ſhall ceaſe;——that the Debentures in *Scotland* ſhall be paid by the Receiver General, and without undue Preference.

The Act 26 *G.* 2. *c.* 16. reduces the Court of Directors of the *South Sea* Company from thirty-three to twenty-one, to take effect after the Expiration of the three Years for which the preſent Governors and Directors are choſen.

The Act 26 *G.* 2. *c.* 18. *for enlarging and regulating the Trade into the* Levant *Sea*, enacts, that after the 24 *June* 1754 any Subject of *Great Britain* deſiring Admiſſion and paying 20 *l.* ſhall be made free of the *Turkey* Company;——and that on his Admiſſion to the Freedom of the ſaid Company, he ſhall take the following Oath;

*You ſwear to be good, faithful and true to our Sovereign Lord King* George, *his Heirs and Succeſſors; you ſhall be obedient and aſſiſtant to the Governor, his Deputy, and Aſſiſtants of the Company of Merchants of* England *trading into the* Levant *Seas, in all lawful Matters; you ſhall truly hold and keep to your Power (having no ſingular Regard to yourſelf, to the Hurt and Prejudice of the common Weal of the ſaid Company) all Statutes, Acts and Ordinances, which have been duly made according to the Grant of Privileges granted to the ſaid Company, and conſiſtent with an Act of Parliament made in the twenty-ſixth Year of the Reign of his Majeſty King* George *the Second, intituled,* An Act for enlarging and regulating the Trade into the *Levant* Seas; *the Secrets of the ſaid Company you ſhall not diſcloſe; and if you ſhall know any Perſon or Perſons that intend any Hurt, Harm or Prejudice to our aforeſaid Sovereign Lord the King's Majeſty, his Heirs or Succeſſors, or to the ſaid Company, or to the Privileges of the ſaid Company, you ſhall give knowledge thereof to the ſaid Governor, Deputy or Aſſiſtants, or to ſome them; and you ſhall not colour or free any*

*Goods belonging to any one not free of the ſaid Company.*

*So help you God.*

That Perſons admitted to their Freedom may, ſeparately or jointly, export Goods from any Port in *Great Britain* to any Port within the Limits of the Letters Patents granted to the Company, paying the King's Duties, and other Charges of the Company;——that the Exportation of Gold and Silver ſhall be ſubject to the By-laws of the Company;——that By-laws ſhall not be valid unleſs confirmed at a ſubſequent general Court;——that if ſeven Freemen ſhall think themſelves aggrieved thereby, they may appeal to the Commiſſioners for Trade, *&c.*——that ſuch By-law ſhall be in force till the Appeal is determined;——that ſuch Appeals ſhall be brought within twelve Calendar Months after the By-law is made;——that Appeals againſt any By-laws now in force ſhall be brought within twelve Months after the ſaid 24 *June* 1754;——that the Perſon appealing againſt any By-law, ſhall give Notice in Writing of ſuch Appeal to the Governor, Deputy Governor or Secretary for the time being;——that By-laws ſhall be of no greater Force than they would have been if no Appeal had been granted;——that twenty Days Notice at leaſt ſhall be given in the *London Gazette* of holding a General Court for making By-laws;——that all Orders made for preventing Infection ſhall remain in force;——and that Goods liable to retain the Infection, and coming without a clean Bill of Health, ſhall not be landed in *Great Britain*, &c. unleſs it ſhall appear to the Satisfaction of his Majeſty, that the ſame have been opened and aired in ſome of the foreign Lazarets.

The

# An APPENDIX.

The Act 26 *G.* 2. *c.* 20. *for encouraging and improving the Manufactory of Linen in the Highlands of* Scotland, enacts, that after the Expiration of the Term for which Bounties on the Exportation of *Britiſh* and *Iriſh* coarſe Linens are granted and continued by the Acts of 15, 16, 17, 18, 20 & 22 *G.* 2. the annual Sum of 3000 *l.* ſhall be paid for nine Years out of the Duties in *Scotland*, to the Caſhier of the Commiſſioners and Truſtees for improving Fiſheries and Manufactures in *Scotland*, for the encouraging and improving the Manufacture of Linens in the Highlands of *Scotland* only;——that no Part of the ſaid Sum ſhall be applied to any other Uſe than inſtructing and exciting the Inhabitants to raiſe, prepare and ſpin Flax and Hemp, to be uſed in the Manufacture of coarſe Linen, and to weave the Yarn there ſpun into ſuch Linen, and for providing the Inhabitants with fit Materials and Utenſils for thoſe Purpoſes, and for diſtributing Rewards and Prizes to the Growers, Preparers and Spinners of ſuch Flax and Hemp, and to the Weavers and other Manufacturers of ſuch Linen, and for ſuch other like Uſes as by the ſaid Commiſſioners and Truſtees ſhall be thought proper for promoting the true Intent of this Act;——that no Part of the ſaid annual Sum ſhall be applied in encouraging the Manufacture of Sail Cloth;——that the ſaid Commiſſioners ſhall yearly at *Chriſtmas* make out an Account of the Monies received and iſſued, and a true Report of their Proceedings, and lay true Copies of them before his Majeſty, and before the annual Committee of the Convention of the Royal Boroughs of *Scotland*;——that at *Chriſtmas* 1753, the Commiſſioners ſhall lay a Plan for the Application and Diſtribution of the ſaid Sum before his Majeſty,

which when approved or altered, by Writing under the Sign Manual, ſhall be put in Execution;———and that they may in any other Year lay any other Plan before his Majeſty for the like Purpoſe.

The Act 26 *G.* 2. *c.* 21. *for encouraging the Silk Manufactures of this Kingdom, and for ſecuring the Duties payable upon the Importation of Velvets, wrought Silks, and Silks mixed with other Materials, not manufactured in* Great Britain, enacts, that all Velvets, wrought Silks, and Silks mixed with any other Materials, of foreign Manufacture, not being prohibited to be worn in *Great Britain*, imported after the 29 *September* 1753, ſhall be ſealed at each End of the Piece before Delivery from the Cuſtom-houſe;——that the Exporter of ſuch Goods ſhall give Notice to the proper Officer of the Cuſtoms, when and where the ſame will be packed up for Exportation;——that the ſaid Officer ſhall take care to ſee that the Seals are then taken off;——that no Drawback ſhall be allowed unleſs ſuch Notice be given, and the Seals taken off;——that foreign Velvets and wrought Silks, and Silks mixed with any other Materials, found without Seals thereon, after the 29 *September* 1754, ſhall be forfeited and ſeized by any Officer of the Cuſtoms, and after Condemnation, be ſold to the beſt Bidder;——that the Perſon in whoſe Cuſtody the ſame ſhall be found, ſhall forfeit two Hundred Pounds;——that the Goods ſo ſeized and forfeited ſhall not be uſed in this Kingdom, but exported;———that Perſons counterfeiting the Seals, or ſelling any of the ſaid Goods with a counterfeit Stamp, ſhall forfeit 500 *l.* and be pillored.——The pecuniary Penalties and Forfeitures impoſed by this Act, to

be ſued for in any of the Courts of Record at *Weſtminſter*, or in the Court of Exchequer at *Edinburgh*;——one Moiety of the Penalties to go to the Crown, the other to the Officer who ſhall proſecute;——if the Officer neglect to proſecute for one Month, then any other Perſon may ſue and recover.——A *Capias* to iſſue upon filing an Action or Information for any pecuniary Penalty, and the Defendant to give Bail thereto, and for Payment of the Forfeiture, if convicted. ——The Proof where Goods were manufactured, to lie on the Claimer, and not upon the Proſecutor.

The Act 26 *G.* 2. *c.* 32. continues a Clauſe in the Act 9 & 10 *W.* 3. *to ſettle the Trade to* Africa, for allowing, during a limited time, a Drawback of the Duties upon the Exportation of Copper Bars imported;——and the Proviſo in the Act 12 *Annæ*, that no Drawback ſhall be allowed on the Exportation of any Copper but ſuch as had been or ſhould be imported from the *Eaſt Indies*, and the Coaſt of *Barbara* only, until the 24 *June* 1758;——and alſo continues the Act 19 *G.* 2. *for the more effectual ſecuring the Duties now payable on foreign-made Sail Cloth imported into this Kingdom*; *and for charging all foreign-made Sails with a Duty*; and *for explaining a Doubt concerning Ships being obliged, at their firſt ſetting out to Sea, to be furniſhed with one compleat Set of Sails, made of* Britiſh *Sail Cloth*, until the 24 *June* 1758; ——and alſo the ſeveral Clauſes in Act 8 *G.* 1. *for Encouragement of the Silk Manufactures of this Kingdom*; *and for taking off ſeveral Duties on Merchandizes exported*; *and for reducing the Duty upon Beaver Skins, Pepper, Mace, Cloves and Nutmegs imported*; *and for the Importation of all Furs of the*

*the Product of the* Britiſh *Plantations into this Kingdom only*; *and that the two Corporations of Aſſurance, on any Suits brought on their Policies, ſhall be liable only to ſingle Damages and Coſts of Suits, relating to the Encouragement of the Silk Manufactures of this Kingdom*; *and for taking off ſeveral Duties on Merchandizes exported*, which have been continued from time to time, until the 24 *March* 1758;——and the Act 6 *G.* 2. *for the better ſecuring and encouraging the Trade of his Majeſty's Sugar Colonies in* America, which has been continued from time to time, until the 24 *June* 1756;——and after reciting Clauſes *for the better ſecuring and regulating the Duties upon Salt*, from Acts 2 & 3 *Annæ*, 8 *G.* 1. 4 & 5 *Annæ*, enacts, that the Certificate for Salt loſt ſhall vacate the Security given for Payment of the Duty;——and that the time for making Proof of Salt loſt, in order to obtain a Certificate, ſhall be enlarged to two Years;——and reciting that a Proviſo in Act 23 *G.* 2. *for the due and regular Payment of the Bounties granted upon the Exportation of* Britiſh-*made Sail Cloth, has proved ineffectual*, enacts, that the Bounties thereby due, and which ſhall hereafter become due, inſtead of being paid in the manner there directed, ſhall be paid out of ſuch Parts of the old Subſidy as are applicable to the Payment of Incidents.


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